

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 1211
AN ACT

1
2 To repeal sections 2.030, 2.040, 2.050,
3 2.060, 3.130, 56.750, 105.711, 211.031,
4 211.141, 452.310, 452.420, 452.423, 455.010,
5 455.501, 478.266, 478.725, 479.020, 482.330,
6 483.550, 488.429, 488.2275, 490.525, 491.300,
7 491.640, 494.400, 494.425, 494.430, 494.431,
8 494.445, 494.450, 494.460, 512.020, 512.180,
9 513.430, 513.440, 526.010, 526.020, 527.290,
10 535.020, 535.030, 537.046, 542.276, 544.020,
11 559.026, 570.030, 570.200, 570.210, 595.045,
12 595.050, 610.100, 630.130, and 632.498, RSMo,
13 and to enact in lieu thereof fifty-seven new
14 sections relating to court procedures and
15 court personnel, with penalty provisions.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
17 AS FOLLOWS:

18 Section A. Sections 2.030, 2.040, 2.050, 2.060, 3.130,
19 56.750, 105.711, 211.031, 211.141, 452.310, 452.420, 452.423,
20 455.010, 455.501, 478.266, 478.725, 479.020, 482.330, 483.550,
21 488.429, 488.2275, 490.525, 491.300, 491.640, 494.400, 494.425,
22 494.430, 494.431, 494.445, 494.450, 494.460, 512.020, 512.180,
23 513.430, 513.440, 526.010, 526.020, 527.290, 535.020, 535.030,
24 537.046, 542.276, 544.020, 559.026, 570.030, 570.200, 570.210,

1 595.045, 595.050, 610.100, 630.130, and 632.498, RSMo, are
2 repealed and fifty-seven new sections enacted in lieu thereof, to
3 be known as sections 2.030, 2.040, 2.050, 2.060, 3.130, 56.750,
4 105.711, 211.031, 211.141, 452.025, 452.310, 452.423, 455.010,
5 455.090, 455.501, 472.075, 476.800, 476.810, 476.820, 478.266,
6 479.020, 482.330, 483.537, 483.550, 488.429, 488.2275, 490.525,
7 491.640, 494.400, 494.425, 494.430, 494.432, 494.445, 494.450,
8 494.460, 512.180, 512.020, 513.430, 513.440, 526.010, 527.290,
9 535.020, 535.030, 537.046, 542.276, 544.020, 559.026, 570.030,
10 570.200, 570.210, 590.118, 595.045, 595.050, 610.100, 630.130,
11 632.498, and 1, to read as follows:

12 2.030. The [sixty-fourth general assembly and each general
13 assembly thereafter, whether in regular or extraordinary session,
14 shall by concurrent resolution adopted by both houses, provide
15 for collating, indexing, printing and binding] joint committee on
16 legislative research shall annually collate, index, print, and
17 bind all laws and resolutions [of the session] passed or adopted
18 by the general assembly and all measures approved by the people
19 since the last publication of the session laws [and resolutions
20 in the manner directed by the resolution. The general assembly
21 may by concurrent resolution require that all laws passed by the
22 general assembly and all resolutions adopted prior to any recess
23 of the general assembly for a period of thirty days or more shall
24 be collated, indexed, bound and distributed as provided by law,
25 and]. Any edition of the session laws published pursuant to [the

1 concurrent resolution] this section is a part of the official
2 laws and resolutions of the general assembly at which the laws
3 and resolutions were passed.

4 2.040. The joint committee on legislative research shall
5 provide copies of all laws, measures and resolutions duly enacted
6 by the general assembly and all amendments to the constitution
7 and all measures approved by the people since the last
8 publication of [such laws and resolutions] the session laws
9 pursuant to section 2.030, giving the date of the approval or
10 adoption thereof [for printing in accordance with the directions
11 of the general assembly as given by concurrent resolution]. The
12 joint committee on legislative research shall [edit,] headnote,
13 collate, index the laws, resolutions and constitutional
14 amendments, and [shall] compare the proof sheets of the printed
15 copies with the original rolls[, note all errors which have been
16 committed, if any, and cause errata thereof to be annexed to the
17 completed printed copies, and]_. The revisor of statutes shall
18 insert therein an attestation under the revisor's hand that the
19 revisor has compared the laws, resolutions, constitutional
20 amendments and measures therein contained with the original rolls
21 and copies in the office of the secretary of state and that the
22 same are true copies of such laws, measures, resolutions and
23 constitutional amendments as the same appear in the original
24 rolls in the office of the secretary of state. The joint
25 committee on legislative research shall cause the completed laws,

1 resolutions and constitutional amendments to be printed and
2 bound.

3 2.050. The complete printed copies of laws, resolutions,
4 constitutional amendments and measures when printed and bound
5 shall be delivered to the revisor of statutes who shall
6 distribute [copies without cost in the same number and to the
7 same] one copy without cost to each member of the general
8 assembly and one copy each, without cost, to every county circuit
9 clerk, circuit judge, associate circuit judge, prosecuting
10 attorney, and sheriff. One copy each, without cost, shall be
11 delivered to other officers, institutions and agencies who are
12 entitled to copies of the Revised Statutes of Missouri under
13 section 3.130, RSMo, if requested.

14 2.060. [1.] The revisor of statutes may sell copies of the
15 laws and resolutions, not required by this chapter to be
16 distributed without charge, at actual cost of printing and
17 binding, as determined by the [secretary of state] joint
18 committee on legislative research, plus the cost of delivery, and
19 the money received therefor shall be paid to the director of
20 revenue and deposited in the state treasury to the credit of the
21 statutory revision fund.

22 [2. The revisor of statutes shall also supply the clerk of
23 the circuit court of each county order blanks in a number
24 sufficient to meet the public demand. The blanks may be used by
25 the public to order copies which shall be sold by the revisor of

1 statutes as provided in subsection 1.]

2 3.130. 1. Such number of copies of each volume of each
3 edition of the revised statutes of Missouri and annotations
4 thereto and such number of the supplements or pocket parts
5 thereto as may be necessary to meet the demand as determined by
6 the committee shall be printed[,] and bound, and also produced in
7 an electronic format, and delivered to the revisor of statutes,
8 who shall execute and file a receipt therefor with the director
9 of revenue. The revisor of statutes shall distribute the copies,
10 in either version or combination, without charge as follows:

11 (1) To each state department, and each division and bureau
12 thereof, one copy as requested in writing specifying the version;

13 (2) To each member of the general assembly when first
14 elected, [three copies] one bound version and, if requested, one
15 copy in the electronic version; and at each general assembly
16 thereafter, [three copies] one printed version and one copy in
17 the electronic version if so requested in writing; each member to
18 receive [three copies] one printed version and, if requested, one
19 copy in the electronic version of each supplement and of each new
20 edition of the revised statutes when published;

21 (3) To each judge of the supreme court, the court of
22 appeals and to each judge of the circuit courts, except municipal
23 judges, one copy in either version;

24 (4) To the probate divisions of the circuit courts of
25 Jackson County, St. Louis County and the city of St. Louis, four

1 additional copies each in either version or combination, and to
2 the probate divisions of the circuit courts of those counties
3 where the judge of the probate division sits in more than one
4 city, one additional copy each in either version;

5 (5) To the law library of the supreme court, ten copies in
6 either version or combination;

7 (6) To the law libraries of each district of the court of
8 appeals, six copies each in either version or combination;

9 (7) To the library of the United States Supreme Court, one
10 copy in either version;

11 (8) To the United States district courts and circuit court
12 of appeals for Missouri, two copies each in either version or
13 combination;

14 (9) To the state historical society, two copies in either
15 version or combination;

16 (10) To the libraries of the state university at Columbia,
17 at St. Louis, at Kansas City and at Rolla, [three copies] one
18 bound version and one electronic version each;

19 (11) To the state colleges, Lincoln University, the
20 [junior] community colleges, Missouri Western State College, Linn
21 State Technical College, and Missouri Southern State College,
22 [four copies] one bound version and one electronic version each;

23 (12) To the public school library of St. Louis, two copies
24 in either version or combination;

25 (13) To the Library of Congress, one copy in either

1 version;

2 (14) To the Mercantile Library of St. Louis, [two copies]
3 one bound version and one electronic version;

4 (15) To each public library in the state, if requested, one
5 copy in either version;

6 (16) To the law libraries of St. Louis, St. Louis County,
7 Kansas City and St. Joseph, [three copies] one bound version and
8 one electronic version each;

9 (17) To the law schools of the state university, St. Louis
10 University, and Washington University, [three copies] one bound
11 version and one electronic version each;

12 (18) To the circuit clerk of each county of the state for
13 distribution [of one copy] to each county officer, to be by him
14 or her delivered to his or her successor in office, one copy in
15 either version as requested in writing;

16 (19) To the director of the committee on legislative
17 research, such number of copies in either version or combination
18 as may be required by such committee for the performance of its
19 duties;

20 (20) To any county law library, when requested by the
21 circuit clerk, [two copies] one bound version and one electronic
22 version;

23 (21) To each county library, one copy of either version,
24 when requested in writing;

25 (22) To any committee of the senate or house of

1 representatives, as designated and requested by the accounts
2 committee of the respective house.

3 2. The revisor of statutes shall also provide the
4 librarians of the supreme court library[, of] and the committee
5 on legislative research[, of the law schools of the state
6 university] such copies in either version or combination as may
7 be necessary, not exceeding fifty-one each, to enable them to
8 exchange the copies for like compilations or revisions of the
9 statute laws of other states and territories.

10 56.750. The "Missouri Office of Prosecution Services" is
11 hereby established as an autonomous entity in the Missouri
12 attorney general's office. It shall be the purpose of the
13 Missouri office of prosecution services to assist the prosecuting
14 attorneys throughout the state in their efforts against criminal
15 activity in the state. Such assistance may include:

16 (1) The obtaining, preparing, supplementing, and
17 disseminating of indexes to and digests of the decisions of the
18 supreme court and the court of appeals of Missouri and other
19 courts, and the statutes, and other legal authorities relating to
20 criminal matters, and civil matters concerning the duties of
21 prosecuting attorneys and circuit attorney;

22 (2) The preparation and distribution of model complaints,
23 informations, indictments, instructions, search warrants,
24 interrogation advices, and other common and appropriate documents
25 employed in the administration of criminal justice;

1 (3) The preparation and distribution of a basic
2 prosecutor's manual and other educational materials;

3 (4) The promotion of and assistance in the training of
4 prosecuting attorneys and circuit attorney on a statewide basis;

5 (5) The provision of legal research assistance to
6 prosecuting attorneys and circuit attorney; [and]

7 (6) The development, support and maintenance of automated
8 case management and criminal history reporting systems approved
9 by the prosecutors coordinators training council as the standard
10 utilized by prosecuting attorneys and circuit attorney; and

11 [(6)] (7) The provision of other assistance to prosecuting
12 attorneys and circuit attorney that is necessary for the
13 successful implementation of sections 56.750 to 56.775 or that
14 hereinafter may be authorized by law.

15 105.711. 1. There is hereby created a "State Legal Expense
16 Fund" which shall consist of moneys appropriated to the fund by
17 the general assembly and moneys otherwise credited to such fund
18 pursuant to section 105.716.

19 2. Moneys in the state legal expense fund shall be
20 available for the payment of any claim or any amount required by
21 any final judgment rendered by a court of competent jurisdiction
22 against:

23 (1) The state of Missouri, or any agency of the state,
24 pursuant to section 536.050 or 536.087, RSMo, or section 537.600,
25 RSMo;

1 (2) Any officer or employee of the state of Missouri or any
2 agency of the state, including, without limitation, elected
3 officials, appointees, members of state boards or commissions and
4 members of the Missouri national guard upon conduct of such
5 officer or employee arising out of and performed in connection
6 with his or her official duties on behalf of the state, or any
7 agency of the state, provided that moneys in this fund shall not
8 be available for payment of claims made under chapter 287, RSMo;
9 or

10 (3) (a) Any physician, psychiatrist, pharmacist,
11 podiatrist, dentist, nurse or other health care provider licensed
12 to practice in Missouri under the provisions of chapter 330, 332,
13 334, 335, 336, 337 or 338, RSMo, who is employed by the state of
14 Missouri or any agency of the state, under formal contract to
15 conduct disability reviews on behalf of the department of
16 elementary and secondary education or provide services to
17 patients or inmates of state correctional facilities or county
18 jails on a part-time basis;

19 (b) Any physician licensed to practice medicine in Missouri
20 under the provisions of chapter 334, RSMo, and his professional
21 corporation organized pursuant to chapter 356, RSMo, who is
22 employed by or under contract with a city or county health
23 department organized under chapter 192, RSMo, or chapter 205,
24 RSMo, or a city health department operating under a city charter,
25 or a combined city-county health department to provide services

1 to patients for medical care caused by pregnancy, delivery and
2 child care, if such medical services are provided by the
3 physician pursuant to the contract without compensation or the
4 physician is paid from no other source than a governmental agency
5 except for patient co-payments required by federal or state law
6 or local ordinance;

7 (c) Any physician licensed to practice medicine in Missouri
8 under the provisions of chapter 334, RSMo, who is employed by or
9 under contract with a federally funded community health center
10 organized under Section 315, 329, 330 or 340 of the Public Health
11 Services Act (42 U.S.C. 216, 254c) to provide services to
12 patients for medical care caused by pregnancy, delivery and child
13 care, if such medical services are provided by the physician
14 pursuant to the contract or employment agreement without
15 compensation or the physician is paid from no other source than a
16 governmental agency or such a federally funded community health
17 center except for patient co-payments required by federal or
18 state law or local ordinance. In the case of any claim or
19 judgment that arises under this paragraph, the aggregate of
20 payments from the state legal expense fund shall be limited to a
21 maximum of one million dollars for all claims arising out of and
22 judgments based upon the same act or acts alleged in a single
23 cause against any such physician, and shall not exceed one
24 million dollars for any one claimant;

25 (d) Any physician, nurse, physician assistant, dental

1 hygienist, or dentist licensed or registered pursuant to chapter
2 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides
3 medical, dental or nursing treatment within the scope of his
4 license or registration at a city or county health department
5 organized under chapter 192, RSMo, or chapter 205, RSMo, a city
6 health department operating under a city charter, or a combined
7 city-county health department, or a nonprofit community health
8 center qualified as exempt from federal taxation under Section
9 501(c)(3) of the Internal Revenue Code of 1986, as amended, if
10 such treatment is restricted to primary care and preventive
11 health services, provided that such treatment shall not include
12 the performance of an abortion, and if such medical, dental or
13 nursing services are provided by the physician, dentist,
14 physician assistant, dental hygienist or nurse without
15 compensation. In the case of any claim or judgment that arises
16 under this paragraph, the aggregate of payments from the state
17 legal expense fund shall be limited to a maximum of five hundred
18 thousand dollars, for all claims arising out of and judgments
19 based upon the same act or acts alleged in a single cause and
20 shall not exceed five hundred thousand dollars for any one
21 claimant, and insurance policies purchased pursuant to the
22 provisions of section 105.721 shall be limited to five hundred
23 thousand dollars; or

24 (e) Any physician, nurse, physician assistant, dental
25 hygienist, or dentist licensed or registered to practice

1 medicine, nursing or dentistry or to act as a physician assistant
2 or dental hygienist in Missouri under the provisions of chapter
3 332, RSMo, chapter 334, RSMo, or chapter 335, RSMo, who provides
4 medical, nursing or dental treatment within the scope of his
5 license or registration to students of a school whether a public,
6 private or parochial elementary or secondary school, if such
7 physician's treatment is restricted to primary care and
8 preventive health services and if such medical, dental or nursing
9 services are provided by the physician, dentist, physician
10 assistant, dental hygienist, or nurse without compensation. In
11 the case of any claim or judgment that arises under this
12 paragraph, the aggregate of payments from the state legal expense
13 fund shall be limited to a maximum of five hundred thousand
14 dollars, for all claims arising out of and judgments based upon
15 the same act or acts alleged in a single cause and shall not
16 exceed five hundred thousand dollars for any one claimant, and
17 insurance policies purchased pursuant to the provisions of
18 section 105.721 shall be limited to five hundred thousand
19 dollars; or

20 (4) Staff employed by the juvenile division of any judicial
21 circuit; or

22 (5) Any attorney licensed to practice law in the state of
23 Missouri who practices law at or through a nonprofit community
24 social services center qualified as exempt from federal taxation
25 under Section 501(c)(3) of the Internal Revenue Code of 1986, as

1 amended, or through any agency of any federal, state, or local
2 government, if such legal practice is provided by the attorney
3 without compensation. In the case of any claim or judgment that
4 arises under this subdivision, the aggregate of payments from the
5 state legal expense fund shall be limited to a maximum of five
6 hundred thousand dollars for all claims arising out of and
7 judgments based upon the same act or acts alleged in a single
8 cause and shall not exceed five hundred thousand dollars for any
9 one claimant, and insurance policies purchased pursuant to the
10 provisions of section 105.721 shall be limited to five hundred
11 thousand dollars.

12 3. The department of health and senior services shall
13 promulgate rules regarding contract procedures and the
14 documentation of care provided under paragraphs (b), (c), (d),
15 and (e) of subdivision (3) of subsection 2 of this section. The
16 limitation on payments from the state legal expense fund or any
17 policy of insurance procured pursuant to the provisions of
18 section 105.721, provided in subsection [5] 6 of this section,
19 shall not apply to any claim or judgment arising under paragraph
20 (a), (b), (c), (d), or (e) of subdivision (3) of subsection 2 of
21 this section. Any claim or judgment arising under paragraph (a),
22 (b), (c), (d), or (e) of subdivision (3) of subsection 2 of this
23 section shall be paid by the state legal expense fund or any
24 policy of insurance procured pursuant to section 105.721, to the
25 extent damages are allowed under sections 538.205 to 538.235,

1 RSMo. Liability or malpractice insurance obtained and maintained
2 in force by any physician, dentist, physician assistant, dental
3 hygienist, or nurse for coverage concerning his or her private
4 practice and assets shall not be considered available under
5 subsection ~~[5]~~ 6 of this section to pay that portion of a
6 judgment or claim for which the state legal expense fund is
7 liable under paragraph (a), (b), (c), (d), or (e) of subdivision
8 (3) of subsection 2 of this section. However, a physician,
9 nurse, dentist, physician assistant, or dental hygienist may
10 purchase liability or malpractice insurance for coverage of
11 liability claims or judgments based upon care rendered under
12 paragraphs (c), (d), and (e) of subdivision (3) of subsection 2
13 of this section which exceed the amount of liability coverage
14 provided by the state legal expense fund under those paragraphs.
15 Even if paragraph (a), (b), (c), (d), or (e) of subdivision (3)
16 of subsection 2 of this section is repealed or modified, the
17 state legal expense fund shall be available for damages which
18 occur while the pertinent paragraph (a), (b), (c), (d), or (e) of
19 subdivision (3) of subsection 2 of this section is in effect.

20 4. The attorney general shall promulgate rules regarding
21 contract procedures and the documentation of legal practice
22 provided under subdivision (5) of subsection 2 of this section.
23 The limitation on payments from the state legal expense fund or
24 any policy of insurance procured pursuant to section 105.721 as
25 provided in subsection 6 of this section shall not apply to any

claim or judgment arising under subdivision (5) of subsection 2 of this section. Any claim or judgment arising under subdivision (5) of subsection 2 of this section shall be paid by the state legal expense fund or any policy of insurance procured pursuant to section 105.721 to the extent damages are allowed under sections 538.205 to 538.235, RSMo. Liability or malpractice insurance otherwise obtained and maintained in force shall not be considered available under subsection 6 of this section to pay that portion of a judgment or claim for which the state legal expense fund is liable under subdivision (5) of subsection 2 of this section. However, an attorney may obtain liability or malpractice insurance for coverage of liability claims or judgments based upon legal practice rendered under subdivision (5) of subsection 2 of this section which exceed the amount of liability coverage provided by the state legal expense fund under subdivision (5) of subsection 2 of this section. Even if subdivision (5) of subsection 2 of this section is repealed or amended, the state legal expense fund shall be available for damages which occur while the pertinent subdivision (5) of subsection 2 of this section is in effect.

5. All payments shall be made from the state legal expense fund by the commissioner of administration with the approval of the attorney general. Payment from the state legal expense fund of a claim or final judgment award against a physician, dentist, physician assistant, dental hygienist, or nurse described in

1 paragraph (a), (b), (c), (d), or (e) of subdivision (3) of
2 subsection 2 of this section or against an attorney in
3 subdivision (5) of subsection 2 of this section shall only be
4 made for services rendered in accordance with the conditions of
5 such paragraphs.

6 [5.] 6. Except as provided in subsection 3 of this section,
7 in the case of any claim or judgment that arises under sections
8 537.600 and 537.610, RSMo, against the state of Missouri, or an
9 agency of the state, the aggregate of payments from the state
10 legal expense fund and from any policy of insurance procured
11 pursuant to the provisions of section 105.721 shall not exceed
12 the limits of liability as provided in sections 537.600 to
13 537.610, RSMo. No payment shall be made from the state legal
14 expense fund or any policy of insurance procured with state funds
15 pursuant to section 105.721 unless and until the benefits
16 provided to pay the claim by any other policy of liability
17 insurance have been exhausted.

18 [6.] 7. The provisions of section 33.080, RSMo,
19 notwithstanding, any moneys remaining to the credit of the state
20 legal expense fund at the end of an appropriation period shall
21 not be transferred to general revenue.

22 [7.] 8. Any rule or portion of a rule, as that term is
23 defined in section 536.010, RSMo, that is promulgated under the
24 authority delegated in sections 105.711 to 105.726 shall become
25 effective only if it has been promulgated pursuant to the

1 provisions of chapter 536, RSMo. Nothing in this section shall
2 be interpreted to repeal or affect the validity of any rule filed
3 or adopted prior to August 28, 1999, if it fully complied with
4 the provisions of chapter 536, RSMo. This section and chapter
5 536, RSMo, are nonseverable and if any of the powers vested with
6 the general assembly pursuant to chapter 536, RSMo, to review, to
7 delay the effective date or to disapprove and annul a rule are
8 subsequently held unconstitutional, then the grant of rulemaking
9 authority and any rule proposed or adopted after August 28, 1999,
10 shall be invalid and void.

11 211.031. 1. Except as otherwise provided in this chapter,
12 the juvenile court or the family court in circuits that have a
13 family court as provided in sections 487.010 to 487.190, RSMo,
14 shall have exclusive original jurisdiction in proceedings:

15 (1) Involving any child or person seventeen years of age
16 who may be a resident of or found within the county and who is
17 alleged to be in need of care and treatment because:

18 (a) The parents, or other persons legally responsible for
19 the care and support of the child or person seventeen years of
20 age, neglect or refuse to provide proper support, education which
21 is required by law, medical, surgical or other care necessary for
22 his or her well-being; except that reliance by a parent, guardian
23 or custodian upon remedial treatment other than medical or
24 surgical treatment for a child or person seventeen years of age
25 shall not be construed as neglect when the treatment is

1 recognized or permitted pursuant to the laws of this state;

2 (b) The child or person seventeen years of age is otherwise
3 without proper care, custody or support; or

4 (c) The child or person seventeen years of age was living
5 in a room, building or other structure at the time such dwelling
6 was found by a court of competent jurisdiction to be a public
7 nuisance pursuant to section 195.130, RSMo;

8 (d) The child or person seventeen years of age is a child
9 in need of mental health services and the parent, guardian or
10 custodian is unable to afford or access appropriate mental health
11 treatment or care for the child;

12 (2) Involving any child who may be a resident of or found
13 within the county and who is alleged to be in need of care and
14 treatment because:

15 (a) The child while subject to compulsory school attendance
16 is repeatedly and without justification absent from school; or

17 (b) The child disobeys the reasonable and lawful directions
18 of his or her parents or other custodian and is beyond their
19 control; or

20 (c) The child is habitually absent from his or her home
21 without sufficient cause, permission, or justification; or

22 (d) The behavior or associations of the child are otherwise
23 injurious to his or her welfare or to the welfare of others; or

24 (e) The child is charged with an offense not classified as
25 criminal, or with an offense applicable only to children; except

1 that, the juvenile court shall not have jurisdiction over any
2 child fifteen and one-half years of age who is alleged to have
3 violated a state or municipal traffic ordinance or regulation,
4 the violation of which does not constitute a felony, or any child
5 who is alleged to have violated a state or municipal ordinance or
6 regulation prohibiting possession or use of any tobacco product;

7 (3) Involving any child who is alleged to have violated a
8 state law or municipal ordinance, or any person who is alleged to
9 have violated a state law or municipal ordinance prior to
10 attaining the age of seventeen years, in which cases jurisdiction
11 may be taken by the court of the circuit in which the child or
12 person resides or may be found or in which the violation is
13 alleged to have occurred; except that, the juvenile court shall
14 not have jurisdiction over any child fifteen and one-half years
15 of age who is alleged to have violated a state or municipal
16 traffic ordinance or regulation, the violation of which does not
17 constitute a felony, or any child who is alleged to have violated
18 a state or municipal ordinance or regulation prohibiting
19 possession or use of any tobacco product, and except that the
20 juvenile court shall have concurrent jurisdiction with the
21 municipal court over any child who is alleged to have violated a
22 municipal curfew ordinance;

23 (4) For the adoption of a person;

24 (5) For the commitment of a child or person seventeen years
25 of age to the guardianship of the department of social services

1 as provided by law.

2 2. Transfer of a matter, proceeding, jurisdiction or
3 supervision for a child or person seventeen years of age who
4 resides in a county of this state shall be made as follows:

5 (1) Prior to the filing of a petition and upon request of
6 any party or at the discretion of the juvenile officer, the
7 matter in the interest of a child or person seventeen years of
8 age may be transferred by the juvenile officer, with the prior
9 consent of the juvenile officer of the receiving court, to the
10 county of the child's residence or the residence of the person
11 seventeen years of age for future action;

12 (2) Upon the motion of any party or on its own motion prior
13 to final disposition on the pending matter, the court in which a
14 proceeding is commenced may transfer the proceeding of a child or
15 person seventeen years of age to the court located in the county
16 of the child's residence or the residence of the person seventeen
17 years of age, or the county in which the offense pursuant to
18 subdivision (3) of subsection 1 of this section is alleged to
19 have occurred for further action;

20 (3) Upon motion of any party or on its own motion, the
21 court in which jurisdiction has been taken pursuant to subsection
22 1 of this section may at any time thereafter transfer
23 jurisdiction of a child or person seventeen years of age to the
24 court located in the county of the child's residence or the
25 residence of the person seventeen years of age for further action

1 with the prior consent of the receiving court;

2 (4) Upon motion of any party or upon its own motion at any
3 time following a judgment of disposition or treatment pursuant to
4 section 211.181, the court having jurisdiction of the cause may
5 place the child or person seventeen years of age under the
6 supervision of another juvenile court within or without the state
7 pursuant to section 210.570, RSMo, with the consent of the
8 receiving court;

9 (5) Upon the transfer of any matter, proceeding,
10 jurisdiction or supervision of a child or person seventeen years
11 of age, certified copies of all legal and social documents and
12 records pertaining to the case on file with the clerk of the
13 transferring juvenile court shall accompany the transfer.

14 3. In any proceeding involving any child or person
15 seventeen years of age taken into custody in a county other than
16 the county of the child's residence or the residence of a person
17 seventeen years of age, the juvenile court of the county of the
18 child's residence or the residence of a person seventeen years of
19 age shall be notified of such taking into custody within
20 seventy-two hours.

21 211.141. 1. When a child is taken into custody as provided
22 in section 211.131, the person taking the child into custody
23 shall, unless it has been otherwise ordered by the court, return
24 the child to his or her parent, guardian or legal custodian on
25 the promise of such person to bring the child to court, if

1 necessary, at a stated time or at such times as the court may
2 direct. The court may also impose other conditions relating to
3 activities of the child. If these additional conditions are not
4 met, the court may order the child detained as provided in
5 section 211.151. If additional conditions are imposed, the child
6 shall be notified that failure to adhere to the conditions may
7 result in the court imposing more restrictive conditions or
8 ordering the detention of the child. If the person taking the
9 child into custody believes it desirable, he may request the
10 parent, guardian or legal custodian to sign a written promise to
11 bring the child into court and acknowledging any additional
12 conditions imposed on the child.

13 2. If the child is not released as provided in subsection 1
14 of this section, he or she may be conditionally released or
15 detained in any place of detention specified in section 211.151
16 but only on order of the court specifying the reason for the
17 conditional release or the detention. The parent, guardian or
18 legal custodian of the child shall be notified of the terms of
19 the conditional release or the place of detention as soon as
20 possible.

21 3. The juvenile officer may conditionally release or detain
22 a child for a period not to exceed twenty-four hours if it is
23 impractical to obtain a written order from the court because of
24 the unreasonableness of the hour or the fact that it is a Sunday
25 or holiday. The conditional release shall be as provided in

1 subsection 1 of this section, and the detention shall be as
2 provided in section 211.151. A written record of such
3 conditional release or detention shall be kept and a report in
4 writing filed with the court. In the event that the judge is
5 absent from his circuit, or is unable to act, the approval of
6 another circuit judge of the same or adjoining circuit must be
7 obtained as a condition or continuing the conditional release or
8 detention of a child for more than twenty-four hours.

9 4. In any matter referred to the juvenile court pursuant to
10 section 211.031, the juvenile officer shall make [an] a risk and
11 needs assessment of the child and, before the disposition of the
12 matter, shall report the results of the assessment to the
13 juvenile court. The assessment shall be written on a
14 standardized form [developed and provided] approved by the
15 [division of youth services] office of state courts
16 administrator.

17 5. The division, in cooperation with juvenile officers and
18 juvenile courts, shall at least biennially review a random sample
19 of assessments of children and the disposition of each child's
20 case to recommend assessment and disposition equity throughout
21 the state. Such review shall identify any evidence of racial
22 disparity in certification. Such review shall be conducted in a
23 manner which protects the confidentiality of the cases examined.

24 452.025. 1. All pleadings required to be verified under
25 this chapter may at the time of execution be made by the

acknowledgment thereof by the petitioner or respondent made
before an officer authorized to administer oaths under the laws
of this state, and evidenced by the officer's certificate, under
official seal, attached or annexed to the pleading in form and
content substantially as follows:

THE STATE OF

COUNTY OF

(The undersigned), of lawful age, being duly sworn on
his/her oath, states that he/she is the petitioner/respondent
named above and that the facts stated in the are true
according to his/her best knowledge and belief.

.....

Petitioner/Respondent

Subscribed and sworn to before me this day of, 20...

My commission expires:

..... Notary Public

2. All references in this chapter regarding a "verified"
document shall be satisfied by compliance with the requirements
of subsection 1 of this section.

452.310. 1. In any proceeding commenced pursuant to this
chapter, the petition, a motion to modify, a motion for a family
access order and a motion for contempt shall be verified. The
petition in a proceeding for dissolution of marriage shall allege

1 that the marriage is irretrievably broken and that therefore
2 there remains no reasonable likelihood that the marriage can be
3 preserved. The petition in a proceeding for legal separation
4 shall allege that the marriage is not irretrievably broken and
5 that therefore there remains a reasonable likelihood that the
6 marriage can be preserved.

7 2. The petition in a proceeding for dissolution of marriage
8 or legal separation shall set forth:

9 (1) The residence of each party, including the county, and
10 the length of residence of each party in this state and in the
11 county of residence;

12 (2) The date of the marriage and the place at which it is
13 registered;

14 (3) The date on which the parties separated;

15 (4) The name, date of birth and address of each child, and
16 the parent with whom each child has primarily resided for the
17 sixty days immediately preceding the filing of the petition for
18 dissolution of marriage or legal separation;

19 (5) Whether the wife is pregnant;

20 (6) The Social Security number of the petitioner,
21 respondent and each child;

22 (7) Any arrangements as to the custody and support of the
23 children and the maintenance of each party; and

24 (8) The relief sought.

25 3. Upon the filing of the petition in a proceeding for

1 dissolution of marriage or legal separation, each child shall
2 immediately be subject to the jurisdiction of the court in which
3 the proceeding is commenced, unless a proceeding involving
4 allegations of abuse or neglect of the child is pending in
5 juvenile court. Until permitted by order of the court, neither
6 parent shall remove any child from the jurisdiction of the court
7 or from any parent with whom the child has primarily resided for
8 the sixty days immediately preceding the filing of a petition for
9 dissolution of marriage or legal separation.

10 4. The mere fact that one parent has actual possession of
11 the child at the time of filing shall not create a preference in
12 favor of such parent in any judicial determination regarding
13 custody of the child.

14 5. The respondent shall be served in the manner provided by
15 the rules of the supreme court and applicable court rules and, to
16 avoid an interlocutory judgment of default, shall file a verified
17 answer within thirty days of the date of service which shall not
18 only admit or deny the allegations of the petition, but shall
19 also set forth:

20 (1) The Social Security number of the petitioner,
21 respondent and each child;

22 (2) Any arrangements as to the custody and support of the
23 child and the maintenance of each party; and

24 (3) The relief sought.

25 6. Previously existing defenses to divorce and legal

1 separation, including but not limited to condonation, connivance,
2 collusion, recrimination, insanity, and lapse of time, are
3 abolished.

4 7. The petitioner and respondent shall submit a proposed
5 parenting plan, either individually or jointly, within thirty
6 days after service of process or the filing of the entry of
7 appearance, whichever event first occurs of a motion to modify or
8 a petition involving custody or visitation issues. The proposed
9 parenting plan shall set forth the arrangements that the party
10 believes to be in the best interest of the minor children and
11 shall include but not be limited to:

12 (1) A specific written schedule detailing the custody,
13 visitation and residential time for each child with each party
14 including:

15 (a) Major holidays stating which holidays a party has each
16 year;

17 (b) School holidays for school-age children;

18 (c) The child's birthday, Mother's Day and Father's Day;

19 (d) Weekday and weekend schedules and for school-age
20 children how the winter, spring, summer and other vacations from
21 school will be spent;

22 (e) The times and places for transfer of the child between
23 the parties in connection with the residential schedule;

24 (f) A plan for sharing transportation duties associated
25 with the residential schedule;

1 (g) Appropriate times for telephone access;

2 (h) Suggested procedures for notifying the other party when
3 a party requests a temporary variation from the residential
4 schedule;

5 (i) Any suggested restrictions or limitations on access to
6 a party and the reasons such restrictions are requested;

7 (2) A specific written plan regarding legal custody which
8 details how the decision-making rights and responsibilities will
9 be shared between the parties including the following:

10 (a) Educational decisions and methods of communicating
11 information from the school to both parties;

12 (b) Medical, dental and health care decisions including how
13 health care providers will be selected and a method of
14 communicating medical conditions of the child and how emergency
15 care will be handled;

16 (c) Extracurricular activities, including a method for
17 determining which activities the child will participate in when
18 those activities involve time during which each party is the
19 custodian;

20 (d) Child care providers, including how such providers will
21 be selected;

22 (e) Communication procedures including access to telephone
23 numbers as appropriate;

24 (f) A dispute resolution procedure for those matters on
25 which the parties disagree or in interpreting the parenting plan;

1 (g) If a party suggests no shared decision-making, a
2 statement of the reasons for such a request;

3 (3) How the expenses of the child, including child care,
4 educational and extraordinary expenses as defined in the child
5 support guidelines established by the supreme court, will be paid
6 including:

7 (a) The suggested amount of child support to be paid by
8 each party;

9 (b) The party who will maintain or provide health insurance
10 for the child and how the medical, dental, vision, psychological
11 and other health care expenses of the child not paid by insurance
12 will be paid by the parties;

13 (c) The payment of educational expenses, if any;

14 (d) The payment of extraordinary expenses of the child, if
15 any;

16 (e) Child care expenses, if any;

17 (f) Transportation expenses, if any.

18 8. If the proposed parenting plans of the parties differ
19 and the parties cannot resolve the differences or if any party
20 fails to file a proposed parenting plan, upon motion of either
21 party and an opportunity for the parties to be heard, the court
22 shall enter a temporary order containing a parenting plan setting
23 forth the arrangements specified in subsection 7 of this section
24 which will remain in effect until further order of the court.
25 The temporary order entered by the court shall not create a

1 preference for the court in its adjudication of final custody,
2 child support or visitation.

3 9. Within one hundred twenty days after August 28, 1998,
4 the Missouri supreme court shall have in effect guidelines for a
5 parenting plan form which may be used by the parties pursuant to
6 this section in any dissolution of marriage, legal separation or
7 modification proceeding involving issues of custody and
8 visitation relating to the child.

9 10. The filing of a parenting plan for any child over the
10 age of eighteen for whom custody, visitation, or support is being
11 established or modified by a court of competent jurisdiction is
12 not required. Nothing in this section shall be construed as
13 precluding the filing of a parenting plan upon agreement of the
14 parties or if ordered to do so by the court for any child over
15 the age of eighteen for whom custody, visitation, or support is
16 being established or modified by a court of competent
17 jurisdiction.

18 452.423. 1. In all proceedings for child custody or for
19 dissolution of marriage or legal separation where custody,
20 visitation, or support of a child is a contested issue, the court
21 may appoint a guardian ad litem. The court shall appoint a
22 guardian ad litem in any proceeding in which child abuse or
23 neglect is alleged. Disqualification of a guardian ad litem
24 shall be ordered in any legal proceeding only pursuant to chapter
25 210, RSMo, or this chapter, upon the filing of a written

1 application by any party within ten days of appointment, or
2 within ten days of August 28, 1998, if the appointment occurs
3 prior to August 28, 1998. Each party shall be entitled to one
4 disqualification of a guardian ad litem in each proceeding,
5 except a party may be entitled to additional disqualifications of
6 a guardian ad litem for good cause shown.

7 2. The guardian ad litem shall:

8 (1) Be the legal representative of the child at the
9 hearing, and may examine, cross-examine, subpoena witnesses and
10 offer testimony;

11 (2) Prior to the hearing, conduct all necessary interviews
12 with persons having contact with or knowledge of the child in
13 order to ascertain the child's wishes, feelings, attachments and
14 attitudes. If appropriate, the child should be interviewed;

15 (3) Request the juvenile officer to cause a petition to be
16 filed in the juvenile division of the circuit court if the
17 guardian ad litem believes the child alleged to be abused or
18 neglected is in danger.

19 3. The appointing judge shall require the guardian ad litem
20 to faithfully discharge such guardian ad litem's duties, and upon
21 failure to do so shall discharge such guardian ad litem and
22 appoint another. The judge in making appointments pursuant to
23 this section shall give preference to persons who served as
24 guardian ad litem for the child in the earlier proceeding, unless
25 there is a reason on the record for not giving such preference.

1 4. The guardian ad litem shall be awarded a reasonable fee
2 for such services to be set by the court. The court, in its
3 discretion, may:

4 (1) Issue a direct payment order to the parties. If a
5 party fails to comply with the court's direct payment order, the
6 court may find such party to be in contempt of court; or

7 (2) Award such fees as a judgment to be paid by any party
8 to the proceedings or from public funds. Such an award of
9 guardian fees shall constitute a final judgment in favor of the
10 guardian ad litem. Such final judgment shall be enforceable
11 against the parties in accordance with chapter 513, RSMo.

12 5. The court may designate volunteer advocates, who may or
13 may not be attorneys licensed to practice law, to assist in the
14 performance of the guardian ad litem duties for the court. The
15 volunteer advocate shall be provided with all reports relevant to
16 the case made to or by any agency or person and shall have access
17 to all records of such agencies or persons relating to the child
18 or such child's family members. Any such designated person shall
19 receive no compensation from public funds. This shall not
20 preclude reimbursement for reasonable expenses.

21 455.010. As used in sections 455.010 to 455.085, unless the
22 context clearly indicates otherwise, the following terms shall
23 mean:

24 (1) "Abuse" includes but is not limited to the occurrence
25 of any of the following acts, attempts or threats against a

1 person who may be protected pursuant to sections 455.010 to
2 455.085:

3 (a) "Assault", purposely or knowingly placing or attempting
4 to place another in fear of physical harm;

5 (b) "Battery", purposely or knowingly causing physical harm
6 to another with or without a deadly weapon;

7 (c) "Coercion", compelling another by force or threat of
8 force to engage in conduct from which the latter has a right to
9 abstain or to abstain from conduct in which the person has a
10 right to engage;

11 (d) "Harassment", engaging in a purposeful or knowing
12 course of conduct involving more than one incident that alarms or
13 causes distress to another adult and serves no legitimate
14 purpose. The course of conduct must be such as would cause a
15 reasonable adult to suffer substantial emotional distress and
16 must actually cause substantial emotional distress to the
17 petitioner. Such conduct might include, but is not limited to:

18 a. Following another about in a public place or places;

19 b. Peering in the window or lingering outside the residence
20 of another; but does not include constitutionally protected
21 activity;

22 (e) "Sexual assault", causing or attempting to cause
23 another to engage involuntarily in any sexual act by force,
24 threat of force, or duress;

25 (f) "Unlawful imprisonment", holding, confining, detaining

1 or abducting another person against that person's will;

2 (2) "Adult", any person eighteen years of age or older or
3 otherwise emancipated;

4 (3) "Court", the circuit or associate circuit judge or a
5 family court commissioner;

6 (4) "Ex parte order of protection", an order of protection
7 issued by the court before the respondent has received notice of
8 the petition or an opportunity to be heard on it;

9 (5) "Family" or "household member", spouses, former
10 spouses, adults related by blood or marriage, adults who are
11 presently residing together or have resided together in the past,
12 an adult who is or has been in a continuing social relationship
13 of a romantic or intimate nature with the victim, and adults who
14 have a child in common regardless of whether they have been
15 married or have resided together at any time;

16 (6) "Full order of protection", an order of protection
17 issued after a hearing on the record where the respondent has
18 received notice of the proceedings and has had an opportunity to
19 be heard;

20 (7) "Order of protection", either an ex parte order of
21 protection or a full order of protection;

22 (8) "Petitioner", a family or household member or an adult
23 who has been the victim of stalking, who has filed a verified
24 petition pursuant to the provisions of section 455.020;

25 (9) "Respondent", the family or household member or adult

1 alleged to have committed an act of stalking, against whom a
2 verified petition has been filed;

3 (10) "Stalking" is when an adult purposely and repeatedly
4 [harasses or follows with the intent of harassing another adult.
5 As used in this subdivision, "harasses" means to engage in a
6 course of conduct directed at a specific adult that serves no
7 legitimate purpose, that would cause a reasonable adult to suffer
8 substantial emotional distress.] engages in an unwanted course of
9 conduct that causes alarm to another person when it is reasonable
10 in that person's situation to have been alarmed by the conduct.

11 As used in this subdivision[,]:

12 (a) "Course of conduct" means a pattern of conduct composed
13 of [a series of] repeated acts over a period of time, however
14 short, [evidencing a continuity of purpose. Constitutionally
15 protected activity is not included within the meaning of "course
16 of conduct".] that serves no legitimate purpose. Such conduct
17 may include, but is not limited to, following the other person or
18 unwanted communication or unwanted contact;

19 (b) "Repeated" means two or more incidents evidencing a
20 continuity of purpose; and

21 (c) "Alarm" means to cause fear of danger of physical harm.

22 455.090. 1. The court shall retain jurisdiction over the
23 full order of protection issued under this chapter for its entire
24 duration. The court may schedule compliance review hearings to
25 monitor the respondent's compliance with the order.

1 2. The terms of the order of protection issued under this
2 chapter are enforceable by all remedies available at law for the
3 enforcement of a judgment, and the court may punish a respondent
4 who willfully violates the order of protection to the same extent
5 as provided by law for contempt of the court in any other suit or
6 proceeding cognizable by the court.

7 455.501. As used in sections 455.500 to 455.538, the
8 following terms mean:

9 (1) "Abuse", any physical injury, sexual abuse, or
10 emotional abuse inflicted on a child other than by accidental
11 means by an adult household member, or stalking of a child.
12 Discipline including spanking, administered in a reasonable
13 manner shall not be construed to be abuse;

14 (2) "Adult household member", any person eighteen years of
15 age or older or an emancipated child who resides with the child
16 in the same dwelling unit;

17 (3) "Child", any person under eighteen years of age;

18 (4) "Court", the circuit or associate circuit judge or a
19 family court commissioner;

20 (5) "Ex parte order of protection", an order of protection
21 issued by the court before the respondent has received notice of
22 the petition or an opportunity to be heard on it;

23 (6) "Full order of protection", an order of protection
24 issued after a hearing on the record where the respondent has
25 received notice of the proceedings and has had an opportunity to

1 be heard;

2 (7) "Order of protection", either an ex parte order of
3 protection or a full order of protection;

4 (8) "Petitioner", a person authorized to file a verified
5 petition under the provisions of sections 455.503 and 455.505;

6 (9) "Respondent", the adult household member, emancipated
7 child or person stalking the child against whom a verified
8 petition has been filed;

9 (10) "Stalking", when an adult purposely and repeatedly
10 [harassing or following with the intent of harassing a child. As
11 used in this subdivision, "harassing" means engaging in a course
12 of conduct directed at a specific child that serves no legitimate
13 purpose, that would cause a reasonable adult to believe the child
14 would suffer substantial emotional distress.] engages in an
15 unwanted course of conduct with regard to a child that causes
16 another adult to believe that a child would suffer alarm by the
17 conduct. As used in this subdivision[,]:

18 (a) "[course] Course of conduct" means a pattern of conduct
19 composed of [a series of] repeated acts over a period of time,
20 however short, [evidencing a continuity of purpose.
21 Constitutionally protected activity is not included within the
22 meaning of "course of conduct"] that serves no legitimate
23 purpose. Such conduct may include, but is not limited to,
24 following the other person or unwanted communication or contact;

25 (b) "Repeated" means two or more incidents evidencing a

1 continuity of purpose; and

2 (c) "Alarm" means to cause fear of danger of physical harm;

3 (11) "Victim", a child who is alleged to have been abused
4 by an adult household member.

5 472.075. The clerk and other nonjudicial personnel of the
6 probate division of circuit courts of any city not within a
7 county shall be appointed by the judge of the probate division
8 with the consent of the court en banc, unless otherwise provided
9 by local court rule.

10 476.800. 1. As used in sections 476.800 to 476.820, the
11 following terms mean:

12 (1) "NonEnglish speaking person", any person involved in a
13 legal proceeding who cannot readily speak or understand the
14 English language, but does not include persons who are deaf or
15 have a hearing disability;

16 (2) "Appointing authority", any court required to provide
17 an interpreter;

18 (3) "Court proceeding", any proceeding before a court of
19 record;

20 (4) "Qualified interpreter", an impartial and unbiased
21 person who is readily able to render a complete and accurate
22 interpretation or translation of spoken and written English for
23 nonEnglish speaking persons and of nonEnglish oral or written
24 statements into spoken English.

25 476.810. 1. The courts shall appoint qualified

1 interpreters and translators in all legal proceedings in which
2 the nonEnglish speaking person is a party or a witness.

3 2. Any nonEnglish speaking party, or any party who intends
4 to call a nonEnglish speaking witness shall provide such prior
5 notice to the court of the need for an interpreter or translator
6 as may be required by court rules.

7 3. The appointing authority shall appoint a qualified
8 interpreter to assist the nonEnglish speaking parent, guardian,
9 or custodian of a juvenile brought before the court.

10 4. The court may accept a waiver of the right to a
11 qualified interpreter by a nonEnglish speaking person at any
12 point in the court proceeding if the court advises the person of
13 the nature and effect of the waiver and determines that the
14 waiver has been made knowingly, intelligently, and voluntarily.
15 The nonEnglish speaking person may retract his or her waiver and
16 request that a qualified interpreter shall be appointed.

17 5. An interpreter shall take an oath that he or she will
18 make a true interpretation to the party or witness in a language
19 that the party or witness understands and that he or she will
20 make a true interpretation of the party or witness' answers to
21 questions to counsel, court, or jury, in the English language,
22 with his or her best skill and judgment. The interpreter shall
23 not give explanations or legal advice or express personal
24 opinions.

25 6. An interpreter or translator cannot be compelled to

1 testify as to the information that would otherwise be protected
2 by attorney-client privilege as between the party and his or her
3 attorney.

4 476.820. 1. Interpreters and translators in civil,
5 juvenile, and criminal proceedings shall be allowed a reasonable
6 fee approved by the court and necessary travel expenses not to
7 exceed state rates. Interpreters shall not be compensated for
8 travel time.

9 2. If the person requiring an interpreter or translator
10 during the proceeding is a party to or a witness in any criminal
11 proceeding, such fees and expenses shall be payable by the state
12 from funds appropriated for such purpose.

13 3. In all cases not included in subsection 2 of this
14 section, such fees and expenses may be taxed as costs by the
15 court to the parties. Prior to any proceeding requiring an
16 interpreter or translator, the court may order either party, or
17 both, to deposit money with the court in an amount reasonably
18 necessary to cover such fees and expenses. Upon disposition of
19 the proceeding the court may order such costs paid from such
20 deposit and shall return any portion of the deposit not used for
21 such court costs to the parties.

22 478.266. 1. [Notwithstanding the provisions of section
23 478.265,] On and after January 2, 1979, each county of the first
24 class having a charter form of government and containing all or
25 part of a city having a population of at least four hundred fifty
26 thousand or more a majority of the circuit and associate circuit

1 judges, meeting en banc, may appoint one person, who shall
2 possess the same qualifications as a circuit judge, to act as
3 commissioner of the probate division of the circuit court. The
4 commissioner shall be appointed for a term of four years. The
5 compensation of the commissioner shall be the same as that of a
6 circuit judge, payable in the same manner and from the same
7 source as the compensation of the judge who serves in the probate
8 division of the circuit court. Subject to approval or rejection
9 by the judge of the probate division, the commissioner shall have
10 all the powers and duties of the judge for matters within the
11 jurisdiction of the judge of the probate division. [The] A judge
12 shall by order of record reject or confirm all orders, judgments
13 and decrees of the commissioner within the time the judge could
14 set aside such orders, judgments or decrees had the same been
15 made by him. If so confirmed, the orders, judgments and decrees
16 shall have the same effect as if made by the judge on the date of
17 their confirmation.

18 2. The judge of the probate division of the circuit court
19 of each county of the first class having a charter form of
20 government and containing a population of at least four hundred
21 fifty thousand inhabitants and in any city not within a county
22 and, after January 1, 1991, in each county of the first class
23 having a charter form of government and not containing all or
24 part of a city having a population of at least four hundred fifty
25 thousand or more may appoint a person to be known as deputy

1 commissioner of the probate division of the circuit court, who
2 shall possess the same qualifications and take and subscribe a
3 like oath as such a circuit judge. The deputy commissioner shall
4 be appointed for a term of four years. The compensation of the
5 deputy commissioner shall be the same as that of an associate
6 circuit judge [of the circuit court in a county of the first
7 class], payable in the same manner and from the same source as
8 the compensation of an associate circuit judge [of the circuit
9 court of a first class county]. Subject to approval or rejection
10 by the judge of the probate division, the commissioner shall have
11 all the powers and duties of the clerk of the probate division
12 and [such] the judge; but [the] a judge shall by order of record
13 reject or confirm all orders, judgments, and decrees of the
14 deputy commissioner within the time such judge could set aside
15 such orders, judgments, or decrees, had the same been made by
16 him; and if so confirmed such orders, judgments, and decrees
17 shall have the same effect as if made by the judge on the date of
18 such confirmation. In any city not within a county, any deputy
19 commissioner of the probate court may be temporarily assigned by
20 the presiding judge of the circuit court to serve as a family
21 court commissioner.

22 479.020. 1. Any city, town or village, including those
23 operating under a constitutional or special charter, may, and
24 cities with a population of four hundred thousand or more shall,
25 provide by ordinance or charter for the selection, tenure and

1 compensation of a municipal judge or judges consistent with the
2 provisions of this chapter who shall have original jurisdiction
3 to hear and determine all violations against the ordinances of
4 the municipality. The method of selection of municipal judges
5 shall be provided by charter or ordinance. Each municipal judge
6 shall be selected for a term of not less than two years as
7 provided by charter or ordinance.

8 2. Except where prohibited by charter or ordinance, the
9 municipal judge may be a part-time judge and may serve as
10 municipal judge in more than one municipality.

11 3. No person shall serve as a municipal judge of any
12 municipality with a population of seven thousand five hundred or
13 more or of any municipality in a county of the first class with a
14 charter form of government unless the person is licensed to
15 practice law in this state unless, prior to January 2, 1979, such
16 person has served as municipal judge of that same municipality
17 for at least two years.

18 4. Notwithstanding any other statute, a municipal judge
19 need not be a resident of the municipality or of the circuit in
20 which the municipal judge serves except where ordinance or
21 charter provides otherwise. Municipal judges shall be residents
22 of Missouri.

23 5. Judges selected under the provisions of this section
24 shall be municipal judges of the circuit court and shall be
25 divisions of the circuit court of the circuit in which the

1 municipality, or major geographical portion thereof, is located.

2 The judges of these municipal divisions shall be subject to the
3 rules of the circuit court which are not inconsistent with the
4 rules of the supreme court. The presiding judge of the circuit
5 shall have general administrative authority over the judges and
6 court personnel of the municipal divisions within the circuit.

7 [Notwithstanding the foregoing provisions of this subsection, in
8 any city with a population of over four hundred thousand with
9 full-time municipal judges who are subject to a plan of merit
10 selection and retention, such municipal judges and court
11 personnel of the municipal divisions shall not be subject to
12 court management and case docketing in the municipal divisions by
13 the presiding judge or the rules of the circuit court of which
14 the municipal divisions are a part.]

15 6. No municipal judge shall hold any other office in the
16 municipality which the municipal judge serves as judge. The
17 compensation of any municipal judge and other court personnel
18 shall not be dependent in any way upon the number of cases tried,
19 the number of guilty verdicts reached or the amount of fines
20 imposed or collected.

21 7. Municipal judges shall be at least twenty-one years of
22 age. No person shall serve as municipal judge after that person
23 has reached that person's seventy-fifth birthday.

24 8. Within six months after selection for the position, each
25 municipal judge who is not licensed to practice law in this state

1 shall satisfactorily complete the course of instruction for
2 municipal judges prescribed by the supreme court. The state
3 courts administrator shall certify to the supreme court the names
4 of those judges who satisfactorily complete the prescribed
5 course. If a municipal judge fails to complete satisfactorily
6 the prescribed course within six months after the municipal
7 judge's selection as municipal judge, the municipal judge's
8 office shall be deemed vacant and such person shall not
9 thereafter be permitted to serve as a municipal judge, nor shall
10 any compensation thereafter be paid to such person for serving as
11 municipal judge.

12 482.330. 1. No claim may be filed or prosecuted in small
13 claims court by a party who:

14 (1) Is an assignee of the claim; or

15 (2) Has filed more than [eight] twelve other claims in the
16 Missouri small claims courts during the current calendar year.
17 If the court finds that a party has filed more claims than are
18 permitted by this section, the court shall dismiss the claim
19 without prejudice.

20 2. At the time of filing an action in small claims court, a
21 plaintiff shall sign a statement that he or she is not the
22 assignee of the claim sued on and that he or she has not filed
23 more than [eight] twelve other claims in the Missouri small
24 claims courts during the current calendar year.

25 3. Nothing in this section shall prohibit the filing or

1 prosecution of a counterclaim growing out of the same transaction
2 or occurrence.

3 4. No claim may be filed in a small claims court unless:

4 (1) At least one defendant is a resident of the county in
5 which the court is located or at least one of the plaintiffs is a
6 resident of the county in which the court is located and at least
7 one defendant may be found in said county; or

8 (2) The facts giving rise to the cause of action took place
9 within the county in which the court is located.

10 483.537. The clerk of any state court who, by deputy or
11 otherwise, takes or processes applications for passports or their
12 renewal shall account for the fees charged for such service, and
13 remit eighty percent of the same on the last day of each month to
14 the state, and twenty percent to the county where the application
15 was taken.

16 483.550. 1. Each circuit clerk, or person fulfilling the
17 duties of the circuit clerk pursuant to this chapter, however
18 denominated, shall charge, collect, and be the responsible clerk
19 for every court cost accruing to such clerk's office to which
20 such clerk may be entitled under the law, except that the circuit
21 clerk shall not be accountable or responsible for or under a duty
22 to collect the following court costs:

23 (1) Court costs in a case pending in the probate division
24 of the circuit court;

25 (2) Court costs in a case while it pends in a municipal

1 division of the circuit court, in municipalities electing or
2 required to have violations of municipal ordinances tried before
3 a municipal judge pursuant to section 479.020, RSMo, or to employ
4 judicial personnel pursuant to section 479.060, RSMo;

5 (3) Court costs in a case which was originally filed and
6 pends before an associate circuit judge; provided, however, that
7 such exception with respect to cases filed and pending before an
8 associate circuit judge shall not apply (a) in the city of St.
9 Louis and (b) when by local circuit court rule it is provided
10 that cases which are to be heard by associate circuit judges
11 shall be centrally filed and final judgments therein maintained
12 in an office which is operated and staffed by the circuit clerk
13 and such clerk's deputies[;

14 (4) Fees to which he is entitled for services performed in
15 preparing or completing passport applications, which fees may be
16 retained by the circuit clerk].

17 2. Each chief division clerk for the probate division of
18 the circuit court shall charge and collect every court cost
19 accruing to the probate division of the circuit court to which it
20 may be entitled under the law.

21 3. In divisions presided over by associate circuit judges
22 for which the circuit clerk is not responsible for collecting
23 court costs as hereinabove provided, the associate circuit judge
24 shall designate by order entered of record a division clerk who
25 shall be responsible for the collection of all court costs with

1 respect to cases in the division; or if there be a centralized
2 filing and docketing system for two or more divisions presided
3 over by an associate circuit judge, then a division clerk or
4 clerks shall be designated in accordance with the provisions of
5 local circuit court rule by an order which shall be entered of
6 record, and if there be no such rule adopted, then a majority of
7 the associate circuit judges being served shall designate a
8 division clerk or clerks who shall be responsible for the
9 collection of all court costs with respect to cases in the
10 divisions served by the centralized filing and docketing system.

11 4. Notwithstanding the provisions of subsections 1, 2 and 3
12 of this section, by vote of all judges, circuit and associate
13 circuit, of a circuit court, en banc, the circuit court may adopt
14 a system by local circuit rule whereby the circuit clerks within
15 the circuit shall have administrative control over and be
16 responsible for the charging and collection of all court costs
17 accruing to the court other than court costs in a case while it
18 pends in the municipal divisions of the circuit court, in
19 municipalities electing or required to have violations of
20 municipal ordinances tried before a municipal judge pursuant to
21 section 479.020, RSMo, or to employ judicial personnel pursuant
22 to section 479.060, RSMo. The chief division clerk for the
23 probate divisions of the circuit court may be designated by the
24 local circuit rule to charge and collect every court cost
25 accruing to the probate divisions of the circuit court to which

1 it may be entitled under the law, under the supervision of the
2 circuit clerk.

3 5. The responsible clerks shall make periodic reports of
4 delinquent court costs which are due at such times and in such
5 form as may be required by the state courts administrator.

6 6. It shall be the duty of each prosecuting attorney when
7 such be referred to such prosecuting attorney by the responsible
8 clerk to reasonably attempt to collect such delinquent court
9 costs. In the case of delinquent court costs which are payable
10 to the state, it shall be the duty of each prosecuting attorney,
11 and the attorney general when such be referred to the attorney
12 general by the state courts administrator to reasonably attempt
13 to collect such delinquent court costs.

14 488.429. 1. Moneys collected pursuant to section 488.426
15 shall be payable to the judges of the circuit court, en banc, of
16 the county from which such surcharges were collected, or to such
17 person as is designated by local circuit court rule as treasurer
18 of said fund, and said fund shall be applied and expended under
19 the direction and order of the judges of the circuit court, en
20 banc, of any such county for the maintenance and upkeep of the
21 law library maintained by the bar association in any such county,
22 or such other law library in any such county as may be designated
23 by the judges of the circuit court, en banc, of any such county;
24 provided, that the judges of the circuit court, en banc, of any
25 such county, and the officers of all courts of record of any such

1 county, shall be entitled at all reasonable times to use the
2 library to the support of which said funds are applied.

3 2. In any county of the first classification without a
4 charter form of government and with a population of at least two
5 hundred thousand, such fund may also be applied and expended for
6 that county's or circuit's family services and justice fund.

7 3. In any county [of the third classification without a
8 township form of government and with more than forty thousand
9 eight hundred but less than forty thousand nine hundred
10 inhabitants, in any county of the third classification without a
11 township form of government and with more than forty thousand
12 four hundred but less than forty thousand five hundred
13 inhabitants, in any county of the third classification without a
14 township form of government and with more than thirteen thousand
15 four hundred but less than thirteen thousand five hundred
16 inhabitants, in any county of the third classification without a
17 township form of government and with more than thirteen thousand
18 five hundred but less than thirteen thousand six hundred
19 inhabitants, in any county of the third classification without a
20 township form of government and with more than twenty-three
21 thousand two hundred fifty but less than twenty-three thousand
22 three hundred fifty inhabitants, in any county of the third
23 classification without a township form of government and with
24 more than eleven thousand seven hundred fifty but less than
25 eleven thousand eight hundred fifty inhabitants, in any county of

1 the third classification without a township form of government
2 and with more than thirty-seven thousand two hundred but less
3 than thirty-seven thousand three hundred inhabitants, in any
4 county of the fourth classification with more than fifty-five
5 thousand six hundred but less than fifty-five thousand seven
6 hundred inhabitants, or in any county of the first classification
7 with more than ninety-three thousand eight hundred but less than
8 ninety-three thousand nine hundred inhabitants], other than a
9 county on the nonpartisan court plan, such fund may also be
10 applied and expended for courtroom renovation and technology
11 enhancement [in those counties], or for debt service on county
12 bonds for such renovation or enhancement projects.

13 488.2275. 1. In addition to all other court costs
14 prescribed by law, a surcharge of ten dollars shall be assessed
15 as costs in each court proceeding filed in any court in the state
16 located within a county of the first classification with a
17 population of at least two hundred thousand inhabitants which
18 does not adjoin any other county of the first classification, and
19 in any county of the first classification having a population of
20 at least eighty-two thousand inhabitants, but less than eighty-
21 two thousand one hundred inhabitants, in all criminal cases
22 including violations of any county ordinance or any violation of
23 criminal or traffic laws of the state, including infractions,
24 except that no such surcharge shall be collected in any
25 proceeding involving a violation of an ordinance or state law in

1 any court when the proceeding or defendant has been dismissed by
2 the court or when costs are to be paid by the state, county or
3 municipality. For violations of the general criminal laws of the
4 state or county ordinances, no such surcharge shall be collected
5 unless it is authorized by the county government where the
6 violation occurred. For violations of municipal ordinances, no
7 such surcharge shall be collected unless it is authorized by the
8 municipal government where the violation occurred. Such
9 surcharges shall be collected and disbursed as provided by
10 sections 488.010 to 488.020 and shall be payable to the treasurer
11 of the county where the violation occurred.

12 2. Each county shall use all funds received under this
13 section only to pay for the costs associated with the operation
14 of the county judicial facility including, but not limited to,
15 utilities, maintenance and building security. The county shall
16 maintain records identifying such operating costs, and any moneys
17 not needed for the operating costs of the county judicial
18 facility shall be transmitted quarterly to the general revenue
19 fund of the county.

20 490.525. 1. This section shall apply to civil actions
21 filed in any court of this state.

22 2. Unless a controverting affidavit is filed as provided by
23 this section, an affidavit that the amount a person charged for a
24 service was reasonable at the time and place that the service was
25 provided and that the service was necessary is sufficient

1 evidence to support a finding of fact by judge or jury that the
2 amount charged was reasonable or that the service was necessary.

3 3. The affidavit shall:

4 (1) Be taken before an officer with authority to administer
5 oaths;

6 (2) Be made by the person or that person's designee who
7 provided the service;

8 (3) Include an itemized statement of the service and
9 charge.

10 4. The party offering the affidavit in evidence or the
11 party's attorney shall file the affidavit with the clerk of the
12 court and serve a copy of the affidavit on each other party to
13 the case at least thirty days before the day on which evidence is
14 first presented at the trial of the case.

15 5. A party intending to controvert a claim reflected by the
16 affidavit shall file a counteraffidavit with the clerk of the
17 court and serve a copy of the counteraffidavit on each other
18 party or the party's attorney of record:

19 (1) Not later than:

20 (a) Thirty days after the day he receives a copy of the
21 affidavit; and

22 (b) At least fourteen days before the day on which evidence
23 is first presented at the trial of the case; or

24 (2) With leave of the court, at any time before the
25 commencement of evidence at trial.

1 6. The counteraffidavit shall give reasonable notice of the
2 basis on which the party filing it intends at trial to controvert
3 the claim reflected by the initial affidavit and must be taken
4 before a person authorized to administer oaths. The
5 counteraffidavit shall be made by a person who is qualified, by
6 knowledge, skill, experience, training, education or other
7 expertise, to testify in contravention of all or part of any of
8 the matters contained in the initial affidavit.

9 491.640. 1. The [director of the department of public
10 safety] prosecutors coordinators training council, as established
11 in section 56.760, RSMo, may, upon the [director's] council's own
12 initiative or at the request of the attorney general, any
13 prosecuting attorney or law enforcement agency, provide for the
14 security of witnesses, potential witnesses and their immediate
15 families in criminal proceedings instituted or investigations
16 pending against a person alleged to have engaged in a violation
17 of state law. Providing for witnesses may include provision of
18 housing facilities and for the health, safety and welfare of such
19 witnesses and their immediate families, if testimony by such a
20 witness might subject the witness or a member of his immediate
21 family to danger of bodily injury, and may continue so long as
22 such danger exists.

23 2. The [director of the department of public safety]
24 prosecutors coordinators training council may authorize the
25 purchase, rental or modification of protected housing facilities

1 for the purpose of this section. The [director] council may
2 contract with any department of federal or state government to
3 obtain or to provide the facilities or services to carry out this
4 section.

5 3. The [director of the department of public safety]
6 prosecutors coordinators training council may authorize
7 expenditures to provide for the health, safety and welfare of
8 witnesses and victims, and the families of such witnesses and
9 victims, whenever, in his judgment, testimony from, or a
10 willingness to testify by, such a witness or victim would place
11 the life of such person, or a member of his family or household,
12 in jeopardy. Applications by requesting law enforcement agencies
13 under this section must include but not necessarily be limited
14 to:

15 (1) Statement of conditions which qualify persons for
16 protection;

17 (2) Precise methods the originating agency will use to
18 provide protection, including relocation of persons and
19 reciprocal agreements with other law enforcement agencies;

20 (3) Statement of projected costs over a specified period of
21 time.

22 4. The prosecutors coordinators training council may
23 delegate administration of the program set forth in this section
24 to the executive director of the Missouri office of prosecution
25 services. Subject to appropriations from the general assembly

1 for the purposes provided for in this section, funds may be
2 appropriated from the Missouri office of prosecution services
3 fund set forth in subsection 2 of section 56.765, RSMo, general
4 revenue or federal funds. Under no circumstance shall the
5 expenditures from general revenue for the purposes provided for
6 in this section exceed the amount of ninety-five thousand
7 dollars, if and when appropriated by the general assembly for
8 such purposes.

9 494.400. All persons qualified for grand or petit jury
10 service shall be citizens of the state and shall be selected at
11 random from a fair cross section of the citizens of the county or
12 of a city not within a county for which the jury may be
13 impaneled, and all such citizens shall have the opportunity to be
14 considered for jury service and an obligation to serve as jurors
15 when summoned for that purpose, unless excused. A citizen of the
16 county or of a city not within a county for which the jury may be
17 impaneled shall not be excluded from selection for possible grand
18 or petit jury service on account of race, color, religion, sex,
19 national origin, or economic status.

20 494.425. The following persons shall be disqualified from
21 serving as a petit or grand juror:

- 22 (1) Any person who is less than twenty-one years of age;
23 (2) Any person not a citizen of the United States;
24 (3) Any person not a resident of the county or city not
25 within a county served by the court issuing the summons;

1 (4) Any person who has been convicted of a felony, unless
2 such person has been restored to his civil rights;

3 (5) Any person unable to read, speak and understand the
4 English language, unless such person's inability is due to a
5 vision or hearing impairment which can be adequately compensated
6 for through the use of auxiliary aids or services;

7 (6) Any person on active duty in the armed forces of the
8 United States or any member of the organized militia on active
9 duty under order of the governor;

10 (7) [Any licensed attorney at law;

11 (8)] Any judge of a court of record;

12 [(9)] (8) Any person who, in the judgment of the court [or
13 the board of jury commissioners], is incapable of performing the
14 duties of a juror because of mental or physical illness or
15 infirmity. The juror or the juror's personal representative, may
16 provide the court with documentation from a physician licensed to
17 practice medicine verifying that a mental or physical condition
18 renders the person unfit for jury service for a period of up to
19 twenty-four months.

20 494.430. 1. Upon timely application to the court, the
21 following persons shall be excused from service as a petit or
22 grand juror:

23 (1) [Any person actually performing the duties of a
24 clergyman;

25 (2)] Any person who has served on a state or federal petit

1 or grand jury within the preceding [year] two years;

2 [(3)] (2) Any person whose absence from his or her regular
3 place of employment would, in the judgment of the court, tend
4 materially and adversely to affect the public safety, health,
5 welfare or interest;

6 [(4)] (3) Any person upon whom service as a juror would in
7 the judgment of the court impose an undue or extreme physical or
8 financial hardship;

9 [(5)] (4) Any person licensed to engage in and actively
10 engaged in the practice of medicine, osteopathy, chiropractic,
11 dentistry or pharmacy, but only if such person provides a written
12 statement to the court certifying that he or she is actually
13 providing health care services to patients, and that the person's
14 service as a juror would be detrimental to the health of the
15 person's patients.

16 2. A judge of the court for which the individual was called
17 to jury service shall make undue or extreme physical or financial
18 hardship determinations. The authority to make these
19 determinations is delegable only to court officials or personnel
20 who are authorized by the laws of this state to function as
21 members of the judiciary.

22 3. A person asking to be excused based on a finding of
23 undue or extreme physical or financial hardship must take all
24 actions necessary to have obtained a ruling on that request by no
25 later than the date on which the individual is scheduled to

1 appear for jury duty.

2 4. For purposes of sections 494.400 to 494.460 undue or
3 extreme physical or financial hardship is limited to
4 circumstances in which an individual would:

5 (1) Be required to abandon a person under his or her
6 personal care or supervision due to the impossibility of
7 obtaining an appropriate substitute caregiver during the period
8 of participation in the jury pool or on the jury; or

9 (2) Incur costs that would have a substantial adverse
10 impact on the payment of the individual's necessary daily living
11 expenses or on those for whom he or she provides the principal
12 means of support; or

13 (3) Suffer physical hardship that would result in illness
14 or disease.

15 5. Undue or extreme physical or financial hardship does not
16 exist solely based on the fact that a prospective juror will be
17 required to be absent from his or her place of employment.

18 6. A person asking a judge to grant an excuse based on
19 undue or extreme physical or financial hardship shall be required
20 to provide the judge with documentation, such as but not limited
21 to, federal and state income tax returns, medical statements from
22 licensed physicians, proof of dependency or guardianship, and
23 similar documents, which the judge finds to clearly support the
24 request to be excused. Failure to provide satisfactory
25 documentation shall result in a denial of the request to be

1 excused. Such documents shall be filed under seal.

2 7. After two years, a person excused from jury service
3 shall become eligible once again for qualification as a juror
4 unless the person was excused from service permanently. A person
5 is excused from jury service permanently only when the deciding
6 judge determines that the underlying grounds for being excused
7 are of a permanent nature.

8 494.432. 1. Individuals scheduled to appear for jury
9 service have the right to postpone the date of their initial
10 appearance for jury service one time only for reasons other than
11 undue influence or extreme physical or financial hardship. When
12 requested, postponements shall be granted, provided that:

13 (1) The prospective juror has not previously been granted a
14 postponement;

15 (2) The prospective juror appears in person or contacts the
16 board of jury commissioners by telephone, electronic mail, or in
17 writing to request a postponement; and

18 (3) Prior to the grant of a postponement with the
19 concurrence of the board of jury commissioners, the prospective
20 juror fixes a date certain on which he or she will appear for
21 jury service that is not more than six months after the date on
22 which the prospective juror originally was called to serve and on
23 which date the court will be in session. A prospective juror who
24 is a full-time student of any accredited institution may fix a
25 date certain on which he or she will appear for jury service that

1 is not more than twelve months after the date on which the
2 prospective juror originally was called to serve and on which the
3 court will be in session.

4 2. A subsequent request to postpone jury service may be
5 approved by a judicial officer only in the event of an extreme
6 emergency, such as a death in the family, sudden grave illness,
7 or a natural disaster or national emergency in which the
8 prospective juror is personally involved, that could not have
9 been anticipated at the time the initial postponement was
10 granted. Prior to the grant of a second postponement, the
11 prospective juror must fix a date certain on which the individual
12 will appear for jury service within six months of the
13 postponement on a date when the court will be in session.

14 494.445. 1. Except as otherwise provided in subsections 2
15 and 3, no petit juror shall be required to attend court for
16 prospective jury service more than twenty days in any one-year
17 period except as is necessary to complete service in a particular
18 case.

19 2. Subsequent to January 1, 2005, in jurisdictions on the
20 nonpartisan court plan, no petit juror shall be required to
21 attend court for prospective jury service for more than two days
22 pursuant to a jury summons unless selected to a panel of
23 prospective jurors for jury service pursuant to subsection 2 of
24 section 494.420, or selected to serve as a petit juror in one
25 particular case.

1 [2.] 3. In jurisdictions on the nonpartisan court plan, no
2 petit juror shall be required to serve as a juror for more than
3 twenty days in any one-year period except as is necessary to
4 complete service in a particular case.

5 494.450. A person who is summoned for jury service and who
6 willfully fails to appear and who has failed to obtain a
7 postponement in compliance with section 494.432 or as an excuse
8 pursuant to section 494.430, or to respond to the juror
9 qualification form [is guilty of criminal] shall be in civil
10 contempt of court, enforceable by an order directing him or her
11 to show cause for his or her failure to comply with the summons
12 and the juror qualification form[, and upon conviction may be
13 fined not more than two hundred and fifty dollars].

14 Following an order to show cause hearing, the court may impose a
15 fine not to exceed five hundred dollars. The prospective juror
16 may be excused from paying sanctions for good cause shown or in
17 the interests of justice. In addition to, or in lieu of, the
18 fine, the court may order that the prospective juror complete a
19 period of community service for a period of no less than if the
20 prospective juror would have completed jury service, and require
21 that he or she provide proof of completion of such community
22 service to the court.

23 494.460. 1. An employer shall not terminate, discipline,
24 threaten or take adverse actions against an employee on account
25 of that employee's receipt of or response to a jury summons.

1 2. An employee discharged in violation of this section may
2 bring civil action against his or her employer within ninety days
3 of discharge for recovery of lost wages and other damages caused
4 by the violation and for an order directing reinstatement of the
5 employee. If [he] the employee prevails, the employee shall be
6 entitled to receive a reasonable attorney's fee.

7 3. An employee may not be required or requested to use
8 annual, vacation, personal, or sick leave for time spent
9 responding to a summons for jury duty, time spent participating
10 in the jury selection process, or time spent actually serving on
11 a jury. Nothing in this provision shall be construed to require
12 an employer to provide annual, vacation, personal, or sick leave
13 to employees under the provisions of this statute who otherwise
14 are not entitled to such benefits under company policies.

15 4. A court shall automatically postpone and reschedule the
16 service of a summoned juror of an employer with five or fewer
17 full-time employees, or their equivalent, if another employee of
18 that employer has been previously summoned to appear during the
19 same period. Such postponement will not effect an individual's
20 right to one automatic postponement pursuant to section 494.432.

21 512.020. Any party to a suit aggrieved by any judgment of
22 any trial court in any civil cause from which an appeal is not
23 prohibited by the constitution, nor clearly limited in special
24 statutory proceedings, may take his or her appeal to a court
25 having appellate jurisdiction from any:

1 (1) Order granting a new trial[, or];

2 (2) Order refusing to revoke, modify, or change an
3 interlocutory order appointing a receiver or receivers, or
4 dissolving an injunction[, or from any];

5 (3) Order granting or denying class action certification
6 provided that:

7 (a) The court of appeals, in its discretion, permits such
8 an appeal; and

9 (b) An appeal of such an order shall not stay proceedings
10 in the court unless the judge or the court of appeals so orders;

11 (4) Interlocutory judgments in actions of partition which
12 determine the rights of the parties[, or from any]; or

13 (5) Final judgment in the case or from any special order
14 after final judgment in the cause; but a failure to appeal from
15 any action or decision of the court before final judgment shall
16 not prejudice the right of the party so failing to have the
17 action of the trial court reviewed on an appeal taken from the
18 final judgment in the case.

19 512.180. 1. Any person aggrieved by a judgment in a civil
20 case tried without a jury before an associate circuit judge,
21 other than an associate circuit judge sitting in the probate
22 division or who has been assigned to hear the case on the record
23 under procedures applicable before circuit judges, shall have the
24 right of a trial de novo in all cases [where the pleading claims
25 damages not to exceed three thousand dollars] tried before

1 municipal court or under the provisions of chapters 482, 534, and
2 535, RSMo.

3 2. In all other contested civil cases tried with or without
4 a jury before an associate circuit judge or on assignment under
5 such procedures applicable before circuit judges or in any
6 misdemeanor case or county ordinance violation case a record
7 shall be kept, and any person aggrieved by a judgment rendered in
8 any such case may have an appeal upon that record to the
9 appropriate appellate court. At the discretion of the judge, but
10 in compliance with the rules of the supreme court, the record may
11 be a stenographic record or one made by the utilization of
12 electronic, magnetic, or mechanical sound or video recording
13 devices.

14 513.430. 1. The following property shall be exempt from
15 attachment and execution to the extent of any person's interest
16 therein:

17 (1) Household furnishings, household goods, wearing
18 apparel, appliances, books, animals, crops or musical instruments
19 that are held primarily for personal, family or household use of
20 such person or a dependent of such person, not to exceed [one]
21 three thousand dollars in value in the aggregate;

22 (2) A wedding ring not to exceed one thousand five hundred
23 dollars in value and other jewelry held primarily for the
24 personal, family or household use of such person or a dependent
25 of such person, not to exceed five hundred dollars in value in

1 the aggregate;

2 (3) Any other property of any kind, not to exceed in value
3 [four] six hundred dollars in the aggregate;

4 (4) Any implements[,] or professional books or tools of the
5 trade of such person or the trade of a dependent of such person
6 not to exceed [two] three thousand dollars in value in the
7 aggregate;

8 (5) Any motor vehicle in the aggregate, not to exceed [one]
9 three thousand dollars in value;

10 (6) Any mobile home used as the principal residence but not
11 on or attached to real property in which the debtor has a fee
12 interest, not to exceed [one] five thousand dollars in value;

13 (7) Any one or more unmatured life insurance contracts
14 owned by such person, other than a credit life insurance
15 contract;

16 (8) The amount of any accrued dividend or interest under,
17 or loan value of, any one or more unmatured life insurance
18 contracts owned by such person under which the insured is such
19 person or an individual of whom such person is a dependent;
20 provided, however, that if proceedings under Title 11 of the
21 United States Code are commenced by or against such person, the
22 amount exempt in such proceedings shall not exceed in value one
23 hundred fifty thousand dollars in the aggregate less any amount
24 of property of such person transferred by the life insurance
25 company or fraternal benefit society to itself in good faith if

1 such transfer is to pay a premium or to carry out a nonforfeiture
2 insurance option and is required to be so transferred
3 automatically under a life insurance contract with such company
4 or society that was entered into before commencement of such
5 proceedings. No amount of any accrued dividend or interest
6 under, or loan value of, any such life insurance contracts shall
7 be exempt from any claim for child support. Notwithstanding
8 anything to the contrary, no such amount shall be exempt in such
9 proceedings under any such insurance contract which was purchased
10 by such person within one year prior to the commencement of such
11 proceedings;

12 (9) Professionally prescribed health aids for such person
13 or a dependent of such person;

14 (10) Such person's right to receive:

15 (a) A Social Security benefit, unemployment compensation or
16 a local public assistance benefit;

17 (b) A veteran's benefit;

18 (c) A disability, illness or unemployment benefit;

19 (d) Alimony, support or separate maintenance, not to exceed
20 ~~[five]~~ seven hundred fifty dollars a month;

21 (e) Any payment under a stock bonus plan, pension plan,
22 disability or death benefit plan, profit-sharing plan, nonpublic
23 retirement plan or any plan described, defined, or established
24 pursuant to section 456.072, RSMo, the person's right to a
25 participant account in any deferred compensation program offered

1 by the state of Missouri or any of its political subdivisions, or
2 annuity or similar plan or contract on account of illness,
3 disability, death, age or length of service, to the extent
4 reasonably necessary for the support of such person and any
5 dependent of such person unless:

6 a. Such plan or contract was established by or under the
7 auspices of an insider that employed such person at the time such
8 person's rights under such plan or contract arose;

9 b. Such payment is on account of age or length of service;
10 and

11 c. Such plan or contract does not qualify under Section
12 401(a), 403(a), 403(b), 408, 408A or 409 of the Internal Revenue
13 Code of 1986, as amended, (26 U.S.C. 401(a), 403(a), 403(b), 408,
14 408A or 409);

15 except that any such payment to any person shall be subject to
16 attachment or execution pursuant to a qualified domestic
17 relations order, as defined by Section 414(p) of the Internal
18 Revenue Code of 1986, as amended, issued by a court in any
19 proceeding for dissolution of marriage or legal separation or a
20 proceeding for disposition of property following dissolution of
21 marriage by a court which lacked personal jurisdiction over the
22 absent spouse or lacked jurisdiction to dispose of marital
23 property at the time of the original judgment of dissolution;

24 (f) Any money or assets, payable to a participant or

1 beneficiary from, or any interest of any participant or
2 beneficiary in, a retirement plan or profit-sharing plan that is
3 qualified under Section 401(a), 403(a), 403(b), 408, 408A or 409
4 of the Internal Revenue Code of 1986, as amended, except as
5 provided in this paragraph. Any plan or arrangement described in
6 this paragraph shall not be exempt from the claim of an alternate
7 payee under a qualified domestic relations order; however, the
8 interest of any and all alternate payees under a qualified
9 domestic relations order shall be exempt from any and all claims
10 of any creditor, other than the state of Missouri through its
11 division of family services. As used in this paragraph, the
12 terms "alternate payee" and "qualified domestic relations order"
13 have the meaning given to them in Section 414(p) of the Internal
14 Revenue Code of 1986, as amended.

15 If proceedings under Title 11 of the United States Code are
16 commenced by or against such person, no amount of funds shall be
17 exempt in such proceedings under any such plan, contract, or
18 trust which is fraudulent as defined in section 456.630, RSMo,
19 and for the period such person participated within three years
20 prior to the commencement of such proceedings. For the purposes
21 of this section, when the fraudulently conveyed funds are
22 recovered and after, such funds shall be deducted and then
23 treated as though the funds had never been contributed to the
24 plan, contract, or trust;

1 (11) The debtor's right to receive, or property that is
2 traceable to, a payment on account of the wrongful death of an
3 individual of whom the debtor was a dependent, to the extent
4 reasonably necessary for the support of the debtor and any
5 dependent of the debtor.

6 2. Nothing in this section shall be interpreted to exempt
7 from attachment or execution for a valid judicial or
8 administrative order for the payment of child support or
9 maintenance any money or assets, payable to a participant or
10 beneficiary from, or any interest of any participant or
11 beneficiary in, a retirement plan which is qualified pursuant to
12 Section 408A of the Internal Revenue Code of 1986, as amended.

13 513.440. Each head of a family may select and hold, exempt
14 from execution, any other property, real, personal or mixed, or
15 debts and wages, not exceeding in value the amount of [eight
16 hundred fifty dollars plus two hundred] one thousand two hundred
17 fifty dollars plus three hundred fifty dollars for each of such
18 person's unmarried dependent children under the age of eighteen
19 years or dependent as defined by the Internal Revenue Code of
20 1986, as amended, determined to be disabled by the Social
21 Security Administration, except ten percent of any debt, income,
22 salary or wages due such head of a family.

23 526.010. Injunctions may be granted by a circuit judge,
24 [and if specially assigned or transferred to hear the cause or if
25 there is no circuit judge present within the county, by] or an

1 associate circuit judge.

2 527.290. 1. Public notice of such a change of name shall
3 be given at least three times in a newspaper published in the
4 county where such person is residing, within twenty days after
5 the order of court is made, and if no newspaper is published in
6 his or any adjacent county, then such notice shall be given in a
7 newspaper published in the city of St. Louis, or at the seat of
8 government.

9 2. Public notice of such name change through publication as
10 required in subsection 1 of this section shall not be required if
11 the petitioner is:

12 (1) The victim of a crime, the underlying factual basis of
13 which is found by the court on the record to include an act of
14 domestic violence, as defined in section 455.200, RSMo;

15 (2) The victim of child abuse, as defined in section
16 210.110, RSMo; or

17 (3) The victim of abuse by a family or household member, as
18 defined in section 455.010, RSMo.

19 535.020. Whenever any rent has become due and payable, and
20 payment has been demanded by the landlord or the landlord's agent
21 from the lessee or person occupying the premises, and payment
22 thereof has not been made, the landlord or agent may file a
23 statement, verified by affidavit, with any associate circuit
24 judge in the county in which the property is situated, setting
25 forth the terms on which such property was rented, and the amount

1 of rent actually due to such landlord; that the rent has been
2 demanded from the tenant, lessee or person occupying the
3 premises, and that payment has not been made, and substantially
4 describing the property rented or leased. Giving the notice
5 provided in section 441.060, RSMo, is not required prior to
6 filing a statement or obtaining the relief provided in this
7 chapter. In such case, the clerk of the court shall immediately
8 issue a summons directed to such tenant or lessee and to all
9 persons occupying the premises, by name, requiring them to appear
10 before the judge upon a day to be therein named, and show cause
11 why possession of the property should not be restored to the
12 plaintiff. The landlord or agent may, in such an action for
13 unpaid rent, join a claim for any other unpaid sums, other than
14 property damages, regardless of how denominated or defined in the
15 lease, to be paid by or on behalf of a tenant to a landlord for
16 any purpose set forth in the lease; provided that such other sums
17 shall not be considered rent for purposes of this chapter, and
18 judgment for the landlord for recovery of such other sums shall
19 not by itself entitle the landlord to an order for recovery of
20 possession of the premises. The provisions of this section
21 providing for the filing of a statement before an associate
22 circuit judge shall not preclude adoption of a local circuit
23 court rule providing for the centralized filing of such cases,
24 nor the assignment of such cases to particular circuit or
25 associate circuit judges pursuant to local circuit court rule or

1 action by the presiding judge of the circuit. The case shall be
2 heard and determined under the practice and procedure provided in
3 the Missouri rules of civil procedure, except where otherwise
4 provided by this chapter.

5 535.030. 1. Such summons shall be served as in other civil
6 cases at least four days before the court date in the summons.
7 The summons shall include a court date which shall not be more
8 than twenty-one business days from the date the summons is issued
9 unless at the time of filing the affidavit the plaintiff or
10 plaintiff's attorney consents in writing to a later date.

11 2. In addition to attempted personal service, the plaintiff
12 may request, and thereupon the clerk of the court shall make an
13 order directing that the officer, or other person empowered to
14 execute the summons, shall also serve the same by securely
15 affixing a copy of such summons and the complaint in a
16 conspicuous place on the dwelling of the premises in question at
17 least ten days before the court date in such summons, and by also
18 mailing a copy of the summons and complaint to the defendant at
19 the defendant's last known address by ordinary mail [and by
20 certified mail, return receipt requested, deliver to addressee
21 only,] at least ten days before the court date. If the officer,
22 or other person empowered to execute the summons, shall return
23 that the defendant is not found, or that the defendant has
24 absconded or vacated his or her usual place of abode in this
25 state, and if proof be made by affidavit of the posting and of

1 the mailing of a copy of the summons and complaint, the judge
2 shall at the request of the plaintiff proceed to hear the case as
3 if there had been personal service, and judgment shall be
4 rendered and proceedings had as in other cases, except that no
5 money judgment shall be granted the plaintiff where the defendant
6 is in default and service is by the posting and mailing procedure
7 set forth in this section.

8 3. If the plaintiff does not request service of the
9 original summons by posting and mailing as provided in subsection
10 2 of this section, and if the officer, or other person empowered
11 to execute the summons, makes return that the defendant is not
12 found, or that the defendant has absconded or vacated the
13 defendant's usual place of abode in this state, the plaintiff may
14 request the issuance of an alias summons and service of the same
15 by posting and mailing in the time and manner provided in
16 subsection 2 of this section. In addition, the plaintiff or an
17 agent of the plaintiff who is at least eighteen years of age may
18 serve the summons by posting and mailing a copy of the summons in
19 the time and manner provided in subsection 2 of this section.
20 Upon proof by affidavit of the posting and of the mailing of a
21 copy of the summons or alias summons and the complaint, the judge
22 shall proceed to hear the case as if there had been personal
23 service, and judgment shall be rendered and proceedings had as in
24 other cases, except that no money judgment shall be granted the
25 plaintiff where the defendant is in default and service is by the

1 posting and mailing procedure provided in subsection 2 of this
2 section.

3 4. On the date judgment is rendered as provided in this
4 section where the defendant is in default, the clerk of the court
5 shall mail to the defendant at the defendant's last known address
6 by certified mail, with a request for return receipt and with
7 directions to deliver to the addressee only, a notice informing
8 the defendant of the judgment and the date it was entered, and
9 stating that the defendant has ten days from the date of the
10 judgment to file a motion to set aside the judgment or to file an
11 application for a trial de novo in the circuit court, as the case
12 may be, and that unless the judgment is set aside or an
13 application for a trial de novo is filed within ten days, the
14 judgment will become final and the defendant will be subject to
15 eviction from the premises without further notice.

16 537.046. 1. As used in this section, the following terms
17 mean:

18 (1) "Childhood sexual abuse", any act committed by the
19 defendant against the plaintiff which act occurred when the
20 plaintiff was under the age of eighteen years and which act would
21 have been a violation of section 566.030, 566.040, 566.050,
22 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120,
23 RSMo, or section 568.020, RSMo;

24 (2) "Injury" or "illness", either a physical injury or
25 illness or a psychological injury or illness. A psychological

1 injury or illness need not be accompanied by physical injury or
2 illness.

3 2. [In any civil action for recovery of damages suffered as
4 a result of childhood sexual abuse, the time for commencement of
5 the action shall be within five years of the date the plaintiff
6 attains the age of eighteen or within three years of the date the
7 plaintiff discovers or reasonably should have discovered that the
8 injury or illness was caused by child sexual abuse, whichever
9 later occurs.] Any action to recover damages from injury or
10 illness caused by childhood sexual abuse in an action brought
11 pursuant to this section, shall be commenced within ten years of
12 the plaintiff attaining the age of twenty-one or within three
13 years of the date the plaintiff discovers, or reasonably should
14 have discovered, that the injury or illness was caused by
15 childhood sexual abuse, whichever later occurs.

16 3. This section shall apply to any action commenced on or
17 after August 28, 1990, including any action which would have been
18 barred by the application of the statute of limitation applicable
19 prior to that date.

20 542.276. 1. Any peace officer or prosecuting attorney may
21 make application under section 542.271 for the issuance of a
22 search warrant.

23 2. The application shall:

24 (1) Be in writing;

25 (2) State the time and date of the making of the

1 application;

2 (3) Identify the property, article, material, substance or
3 person which is to be searched for and seized, in sufficient
4 detail and particularity that the officer executing the warrant
5 can readily ascertain it;

6 (4) Identify the person, place, or thing which is to be
7 searched, in sufficient detail and particularity that the officer
8 executing the warrant can readily ascertain whom or what he or
9 she is to search;

10 (5) State facts sufficient to show probable cause for the
11 issuance of a search warrant;

12 (6) Be verified by the oath or affirmation of the
13 applicant;

14 (7) Be filed in the proper court;

15 (8) Be signed by the prosecuting attorney of the county
16 where the search is to take place, or his or her designated
17 assistant.

18 3. The application may be supplemented by a written
19 affidavit verified by oath or affirmation. Such affidavit shall
20 be considered in determining whether there is probable cause for
21 the issuance of a search warrant and in filling out any
22 deficiencies in the description of the person, place, or thing to
23 be searched or of the property, article, material, substance, or
24 person to be seized. Oral testimony shall not be considered.
25 The application may be submitted by facsimile or other electronic

1 means.

2 4. The judge shall [hold a nonadversary hearing to]
3 determine whether sufficient facts have been stated to justify
4 the issuance of a search warrant. If it appears from the
5 application and any supporting affidavit that there is probable
6 cause to believe that property, article, material, substance, or
7 person subject to seizure is on the person or at the place or in
8 the thing described, a search warrant shall immediately be
9 issued. The warrant shall be issued in the form of an original
10 and two copies.

11 5. The application and any supporting affidavit and a copy
12 of the warrant shall be retained in the records of the court from
13 which the warrant was issued.

14 6. The search warrant shall:

15 (1) Be in writing and in the name of the state of Missouri;

16 (2) Be directed to any peace officer in the state;

17 (3) State the time and date the warrant is issued;

18 (4) Identify the property, article, material, substance or
19 person which is to be searched for and seized, in sufficient
20 detail and particularity that the officer executing the warrant
21 can readily ascertain it;

22 (5) Identify the person, place, or thing which is to be
23 searched, in sufficient detail and particularity that the officer
24 executing the warrant can readily ascertain whom or what he or
25 she is to search;

1 (6) Command that the described person, place, or thing be
2 searched and that any of the described property, article,
3 material, substance, or person found thereon or therein be seized
4 [or] and photographed or copied [and be returned, or the
5 photograph or copy be brought, within ten days after filing of
6 the application, to the judge who issued the warrant, to be dealt
7 with according to law] within ten days after filing of the
8 application, all photographs and copies or photographs or copies
9 of the items shall be filed with the circuit clerk;

10 (7) Be signed by the judge, with his or her title of office
11 indicated.

12 7. A search warrant issued under this section may be
13 executed only by a peace officer. The warrant shall be executed
14 by conducting the search and seizure commanded. The search
15 warrant issued under this section may be issued by facsimile or
16 other electronic means.

17 8. A search warrant shall be executed as soon as
18 practicable and shall expire if it is not executed and the return
19 made within ten days after the date of the making of the
20 application.

21 9. After execution of the search warrant, the warrant with
22 a return thereon, signed by the officer making the search, shall
23 be delivered to the judge who issued the warrant. The return
24 shall show the date and manner of execution, what was seized, and
25 the name of the possessor and of the owner, when he or she is not

1 the same person, if known. The return shall be accompanied by a
2 copy of the itemized receipt required by subsection 6 of section
3 542.291. The judge or clerk shall, upon request, deliver a copy
4 of such receipt to the person from whose possession the property
5 was taken and to the applicant for the warrant.

6 10. A search warrant shall be deemed invalid:

7 (1) If it was not issued by a judge; or

8 (2) If it was issued without a written application having
9 been filed and verified; or

10 (3) If it was issued without probable cause; or

11 (4) If it was not issued in the proper county; or

12 (5) If it does not describe the person, place, or thing to
13 be searched or the property, article, material, substance, or
14 person to be seized with sufficient certainty; or

15 (6) If it is not signed by the judge who issued it; or

16 (7) If it was not executed within the time prescribed by
17 subsection 8 of this section.

18 544.020. Whenever complaint shall be made, in writing and
19 upon oath, to any associate circuit judge setting forth that a
20 felony has been committed, and the name of the person accused
21 thereof, it shall be the duty of such associate circuit judge to
22 issue a warrant reciting the accusation, and commanding the
23 officer to whom it shall be directed forthwith to take the
24 accused and bring him before such associate circuit judge, to be
25 dealt with according to law. The complaint may be made and the

1 warrant may be issued via facsimile or other electronic means.

2 559.026. Except in infraction cases, when probation is
3 granted, the court, in addition to conditions imposed pursuant to
4 section 559.021, may require as a condition of probation that the
5 offender submit to a period of detention up to forty-eight hours
6 after the determination by a probation or parole officer that the
7 offender violated a condition of continued probation or parole in
8 an appropriate institution at whatever time or intervals within
9 the period of probation, consecutive or nonconsecutive, the court
10 shall designate, or the board of probation and parole shall
11 direct. Any person placed on probation in a county of the first
12 class or second class or in any city with a population of five
13 hundred thousand or more and detained as herein provided shall be
14 subject to all provisions of section 221.170, RSMo, even though
15 he was not convicted and sentenced to a jail or workhouse.

16 (1) In misdemeanor cases, the period of detention under
17 this section shall not exceed the shorter of [fifteen] thirty
18 days or the maximum term of imprisonment authorized for the
19 misdemeanor by chapter 558, RSMo.

20 (2) In felony cases, the period of detention under this
21 section shall not exceed one hundred twenty days.

22 (3) If probation is revoked and a term of imprisonment is
23 served by reason thereof, the time spent in a jail, half-way
24 house, honor center, workhouse or other institution as a
25 detention condition of probation shall be credited against the

1 prison or jail term served for the offense in connection with
2 which the detention condition was imposed.

3 570.030. 1. A person commits the crime of stealing if he
4 or she appropriates property or services of another with the
5 purpose to deprive him or her thereof, either without his or her
6 consent or by means of deceit or coercion.

7 2. Evidence of the following is admissible in any criminal
8 prosecution pursuant to this section on the issue of the
9 requisite knowledge or belief of the alleged stealer:

10 (1) That he or she failed or refused to pay for property or
11 services of a hotel, restaurant, inn or boardinghouse;

12 (2) That he or she gave in payment for property or services
13 of a hotel, restaurant, inn or boardinghouse a check or
14 negotiable paper on which payment was refused;

15 (3) That he or she left the hotel, restaurant, inn or
16 boardinghouse with the intent to not pay for property or
17 services;

18 (4) That he or she surreptitiously removed or attempted to
19 remove his or her baggage from a hotel, inn or boardinghouse;

20 (5) That he or she, with intent to cheat or defraud a
21 retailer, possesses, uses, utters, transfers, makes, alters,
22 counterfeits, or reproduces a retail sales receipt, price tag, or
23 universal price code label, or possesses with intent to cheat or
24 defraud, the device that manufactures fraudulent receipts or
25 universal price code labels.

1 3. Notwithstanding any other provision of law, any offense
2 in which the value of property or services is an element is a
3 class C felony if:

4 (1) The value of the property or services appropriated is
5 five hundred dollars or more but less than twenty-five thousand
6 dollars; or

7 (2) The actor physically takes the property appropriated
8 from the person of the victim; or

9 (3) The property appropriated consists of:

10 (a) Any motor vehicle, watercraft or aircraft; or

11 (b) Any will or unrecorded deed affecting real property; or

12 (c) Any credit card or letter of credit; or

13 (d) Any firearms; or

14 (e) A United States national flag designed, intended and
15 used for display on buildings or stationary flagstaffs in the
16 open; or

17 (f) Any original copy of an act, bill or resolution,
18 introduced or acted upon by the legislature of the state of
19 Missouri; or

20 (g) Any pleading, notice, judgment or any other record or
21 entry of any court of this state, any other state or of the
22 United States; or

23 (h) Any book of registration or list of voters required by
24 chapter 115, RSMo; or

25 (i) Any animal of the species of horse, mule, ass, cattle,

1 swine, sheep, or goat; or

2 (j) Live fish raised for commercial sale with a value of
3 seventy-five dollars; or

4 (k) Any controlled substance as defined by section 195.010,
5 RSMo; or

6 (l) Anhydrous ammonia; [or]

7 (m) Ammonium nitrate; or

8 (n) Any document of historical significance which has fair
9 market value of five hundred dollars or more.

10 4. If an actor appropriates any material with a value less
11 than five hundred dollars in violation of this section with the
12 intent to use such material to manufacture, compound, produce,
13 prepare, test or analyze amphetamine or methamphetamine or any of
14 their analogues, then such violation is a class D felony. The
15 theft of any amount of anhydrous ammonia or liquid nitrogen, or
16 any attempt to steal any amount of anhydrous ammonia or liquid
17 nitrogen, is a class C felony. The theft of any amount of
18 anhydrous ammonia by appropriation of a tank truck, tank trailer,
19 rail tank car, bulk storage tank, field (nurse) tank or field
20 applicator is a class A felony.

21 5. The theft of any item of property or services pursuant
22 to subsection 3 of this section which exceeds five hundred
23 dollars may be considered a separate felony and may be charged in
24 separate counts.

25 6. Any person with a prior conviction of paragraph (i) of

1 subdivision (3) of subsection 3 of this section and who violates
2 the provisions of paragraph (i) of subdivision (3) of subsection
3 3 of this section when the value of the animal or animals stolen
4 exceeds three thousand dollars is guilty of a class B felony.

5 7. Any offense in which the value of property or services
6 is an element is a class B felony if the value of the property or
7 services equals or exceeds twenty-five thousand dollars.

8 8. Any violation of this section for which no other penalty
9 is specified in this section is a class A misdemeanor.

10 570.200. As used in this act, unless the context clearly
11 indicates otherwise, the following terms shall mean:

12 (1) "Library", any public library or any library of an
13 educational, historical or eleemosynary institution, organization
14 or society; any museum; any repository of public or institutional
15 records; or any archive;

16 (2) "Library card", a card or other device utilized by a
17 library for purposes of identifying a person authorized to borrow
18 library material, subject to all limitations and conditions
19 imposed on such borrowing by the library issuing or honoring such
20 card;

21 (3) "Library material", any book, plate, picture,
22 photograph, engraving, painting, sculpture, artifact, drawing,
23 map, newspaper, microform, sound recording, audiovisual material,
24 magnetic or other tape, electronic data processing record or
25 other document, written or printed material, regardless of

1 physical form or characteristic, which is a constituent element
2 of a library's collection or any part thereof, belonging to, on
3 loan to, or otherwise in the custody of a library;

4 (4) "Notice in writing", any notice deposited as certified
5 or registered mail in the United States mail and addressed to the
6 person at his address as it appears on the library card or to his
7 last known address. The notice shall contain a statement that
8 failure to return the library material within ten days of receipt
9 of the notice may subject the user to criminal prosecution;

10 (5) "Premises of a library", a building structure or other
11 enclosure in which a library is located or in which the library
12 keeps, displays and makes available for inspection, borrowing or
13 return of library materials.

14 570.210. 1. A person commits the crime of library theft if
15 with the purpose to deprive, [he] such person:

16 (1) Knowingly removes any library material from the
17 premises of a library without authorization; or

18 (2) Borrows or attempts to borrow any library material from
19 a library by use of a library card:

20 (a) Without the consent of the person to whom it was
21 issued; or

22 (b) Knowing that the library card is revoked, canceled or
23 expired; or

24 (c) Knowing that the library card is falsely made,
25 counterfeit or materially altered; or

1 (3) Borrows library material from any library pursuant to
2 an agreement or procedure established by the library which
3 requires the return of such library material and, with the
4 purpose to deprive the library of the library material, fails to
5 return the library material to the library; or

6 (4) Knowingly writes on, injures, defaces, tears, cuts,
7 mutilates, or destroys a book, document, or other library
8 material belonging to, on loan to, or otherwise in the custody of
9 a library.

10 2. It shall be prima facie evidence of the person's purpose
11 to deprive the library of the library materials if, within ten
12 days after notice in writing deposited as certified mail from the
13 library demanding the return of such library material, [he] such
14 person without good cause shown fails to return the library
15 material. A person is presumed to have received the notice
16 required by this subsection if the library mails such notice to
17 the last address provided to the library by such person. Payment
18 to the library, in an amount equal to the fair market value of an
19 item of no historical significance shall be considered returning
20 the item for purposes of this subsection.

21 3. The crime of library theft [is a class C felony if the
22 value of the library material is five hundred dollars or more;
23 otherwise, library theft] is a class C misdemeanor if the value
24 of the library materials is less than five hundred dollars. The
25 crime of library theft is a class C felony if the value of the

1 library material is between five hundred dollars and twenty-five
2 thousand dollars. The crime of library theft is a class B felony
3 if the value of the library material is greater than twenty-five
4 thousand dollars.

5 590.118. 1. All completed investigations of alleged acts
6 of a peace officer shall be made available to any hiring law
7 enforcement agency. The transfer of any law enforcement agency
8 record to another law enforcement agency does not make the record
9 a public record.

10 2. Any law enforcement agency with information showing a
11 peace officer's unfitness for licensure shall provide such
12 information to the peace officer's standards and training
13 commission.

14 595.045. 1. There is established in the state treasury the
15 "Crime Victims' Compensation Fund". A surcharge of seven dollars
16 and fifty cents shall be assessed as costs in each court
17 proceeding filed in any court in the state in all criminal cases
18 including violations of any county ordinance or any violation of
19 criminal or traffic laws of the state, including an infraction
20 and violation of a municipal ordinance; except that no such fee
21 shall be collected in any proceeding in any court when the
22 proceeding or the defendant has been dismissed by the court or
23 when costs are to be paid by the state, county, or municipality.
24 A surcharge of seven dollars and fifty cents shall be assessed as
25 costs in a juvenile court proceeding in which a child is found by

1 the court to come within the applicable provisions of subdivision
2 (3) of subsection 1 of section 211.031, RSMo.

3 2. Notwithstanding any other provision of law to the
4 contrary, the moneys collected by clerks of the courts pursuant
5 to the provisions of subsection 1 of this section shall be
6 collected and disbursed in accordance with sections 488.010 to
7 488.020, RSMo, and shall be payable to the director of the
8 department of revenue.

9 3. The director of revenue shall deposit annually the
10 amount of two hundred fifty thousand dollars to the state
11 forensic laboratory account administered by the department of
12 public safety to provide financial assistance to defray expenses
13 of crime laboratories if such analytical laboratories are
14 registered with the federal Drug Enforcement Agency or the
15 Missouri department of health and senior services. Subject to
16 appropriations made therefor, such funds shall be distributed by
17 the department of public safety to the crime laboratories serving
18 the courts of this state making analysis of a controlled
19 substance or analysis of blood, breath or urine in relation to a
20 court proceeding.

21 4. The remaining funds collected under subsection 1 of this
22 section shall be denoted to the payment of an annual
23 appropriation for the administrative and operational costs of the
24 office for victims of crime and, if a statewide automated crime
25 victim notification system is established pursuant to section

1 650.310, RSMo, to the monthly payment of expenditures actually
2 incurred in the operation of such system. Additional remaining
3 funds shall be subject to the following provisions:

4 (1) On the first of every month, the director of revenue or
5 the director's designee shall determine the balance of the funds
6 in the crime victims' compensation fund available to satisfy the
7 amount of compensation payable pursuant to sections 595.010 to
8 595.075, excluding sections 595.050 and 595.055;

9 (2) Beginning on [October 1, 1996] September 1, 2004, and
10 on the first of each month, [if the balance of the funds
11 available exceeds one million dollars plus one hundred percent of
12 the previous twelve months' actual expenditures, excluding the
13 immediate past calendar month's expenditures, paid pursuant to
14 sections 595.010 to 595.075, excluding sections 595.050 and
15 595.055, then] the director of revenue or the director's designee
16 shall deposit fifty percent of the balance of funds available to
17 the credit of the crime victims' compensation fund and fifty
18 percent to the services to victims' fund established in section
19 595.100[;

20 (3) Beginning on October 1, 1996, and on the first of each
21 month, if the balance of the funds available is less than one
22 million dollars plus one hundred percent of the previous twelve
23 months' actual expenditures, excluding the immediate past
24 calendar month's expenditures, paid pursuant to sections 595.010
25 to 595.075, excluding sections 595.050 and 595.055, then the

1 director of revenue or the director's designee shall deposit
2 seventy-five percent to the credit of the crime victims'
3 compensation fund and twenty-five percent to the services to
4 victims' fund established in section 595.100].

5 5. The director of revenue or such director's designee
6 shall at least monthly report the moneys paid pursuant to this
7 section into the crime victims' compensation fund and the
8 services to victims fund to the division of workers' compensation
9 and the department of public safety, respectively.

10 6. The moneys collected by clerks of municipal courts
11 pursuant to subsection 1 of this section shall be collected and
12 disbursed as provided by sections 488.010 to 488.020, RSMo. Five
13 percent of such moneys shall be payable to the city treasury of
14 the city from which such funds were collected. The remaining
15 ninety-five percent of such moneys shall be payable to the
16 director of revenue. The funds received by the director of
17 revenue pursuant to this subsection shall be distributed as
18 follows:

19 (1) On the first of every month, the director of revenue or
20 the director's designee shall determine the balance of the funds
21 in the crime victims' compensation fund available to satisfy the
22 amount of compensation payable pursuant to sections 595.010 to
23 595.075, excluding sections 595.050 and 595.055;

24 (2) Beginning on [October 1, 1996] September 1, 2004, and
25 on the first of each month[, if the balance of the funds

1 available exceeds one million dollars plus one hundred percent of
2 the previous twelve months' actual expenditures, excluding the
3 immediate past calendar month's expenditures, paid pursuant to
4 sections 595.010 to 595.075, excluding sections 595.050 and
5 595.055, then] the director of revenue or the director's designee
6 shall deposit fifty percent of the balance of funds available to
7 the credit of the crime victims' compensation fund and fifty
8 percent to the services to victims' fund established in section
9 595.100[;

10 (3) Beginning on October 1, 1996, and on the first of each
11 month, if the balance of the funds available is less than one
12 million dollars plus one hundred percent of the previous twelve
13 months' actual expenditures, excluding the immediate past
14 calendar month's expenditures, paid pursuant to sections 595.010
15 to 595.075, excluding sections 595.050 and 595.055, then the
16 director of revenue or the director's designee shall deposit
17 seventy-five percent to the credit of the crime victims'
18 compensation fund and twenty-five percent to the services to
19 victims' fund established in section 595.100].

20 7. These funds shall be subject to a biennial audit by the
21 Missouri state auditor. Such audit shall include all records
22 associated with crime victims' compensation funds collected, held
23 or disbursed by any state agency.

24 8. In addition to the moneys collected pursuant to
25 subsection 1 of this section, the court shall enter a judgment in

1 favor of the state of Missouri, payable to the crime victims'
2 compensation fund, of sixty-eight dollars [if the conviction is]
3 upon a plea of guilty or a finding of guilt for a class A or B
4 felony; forty-six dollars if the conviction is for a class C or D
5 felony; and ten dollars [if the conviction is] upon a plea of
6 guilty or a finding of guilt for any misdemeanor under [the
7 following] Missouri [laws:

8 (1) Chapter 195, RSMo, relating to drug regulations;

9 (2) Chapter 311, RSMo, but relating only to felony
10 violations of this chapter committed by persons not duly licensed
11 by the supervisor of liquor control;

12 (3) Chapter 491, RSMo, relating to witnesses;

13 (4) Chapter 565, RSMo, relating to offenses against the
14 person;

15 (5) Chapter 566, RSMo, relating to sexual offenses;

16 (6) Chapter 567, RSMo, relating to prostitution;

17 (7) Chapter 568, RSMo, relating to offenses against the
18 family;

19 (8) Chapter 569, RSMo, relating to robbery, arson, burglary
20 and related offenses;

21 (9) Chapter 570, RSMo, relating to stealing and related
22 offenses;

23 (10) Chapter 571, RSMo, relating to weapons offenses;

24 (11) Chapter 572, RSMo, relating to gambling;

25 (12) Chapter 573, RSMo, relating to pornography and related

1 offenses;

2 (13) Chapter 574, RSMo, relating to offenses against public
3 order;

4 (14) Chapter 575, RSMo, relating to offenses against the
5 administration of justice;

6 (15) Chapter 577, RSMo, relating to public safety
7 offenses.] law except for those in chapter 252, RSMo, relating to
8 fish and game, chapter 302, RSMo, relating to drivers' and
9 commercial drivers' license, chapter 303, RSMo, relating to motor
10 vehicle financial responsibility, chapter 304, RSMo, relating to
11 traffic regulations, chapter 306, RSMo, relating to watercraft
12 regulation and licensing, and chapter 307, RSMo, relating to
13 vehicle equipment regulations.

14 Any clerk of the court receiving moneys pursuant to such
15 judgments shall collect and disburse such crime victims'
16 compensation judgments in the manner provided by sections 488.010
17 to 488.020, RSMo. Such funds shall be payable to the state
18 treasury and deposited to the credit of the crime victims'
19 compensation fund.

20 9. The clerk of the court processing such funds shall
21 maintain records of all dispositions described in subsection 1 of
22 this section and all dispositions where a judgment has been
23 entered against a defendant in favor of the state of Missouri in
24 accordance with this section; all payments made on judgments for

1 alcohol-related traffic offenses; and any judgment or portion of
2 a judgment entered but not collected. These records shall be
3 subject to audit by the state auditor. The clerk of each court
4 transmitting such funds shall report separately the amount of
5 dollars collected on judgments entered for alcohol-related
6 traffic offenses from other crime victims' compensation
7 collections or services to victims collections.

8 10. The clerks of the court shall report all delinquent
9 payments to the department of revenue by October first of each
10 year for the preceding fiscal year, and such sums may be withheld
11 pursuant to subsection 15 of this section.

12 11. The department of revenue shall maintain records of
13 funds transmitted to the crime victims' compensation fund by each
14 reporting court and collections pursuant to subsection 18 of this
15 section and shall maintain separate records of collection for
16 alcohol-related offenses.

17 12. [Notwithstanding any other provision of law to the
18 contrary, the provisions of subsections 9 and 10 of this section
19 shall expire and be of no force and effect upon the effective
20 date of the supreme court rule adopted pursuant to sections
21 488.010 to 488.020, RSMo.

22 13.] The state courts administrator shall include in the
23 annual report required by section 476.350, RSMo, the circuit
24 court caseloads and the number of crime victims' compensation
25 judgments entered.

1 [14.] 13. All awards made to injured victims under sections
2 595.010 to 595.105 and all appropriations for administration of
3 sections 595.010 to 595.105, except sections 595.050 and 595.055,
4 shall be made from the crime victims' compensation fund. Any
5 unexpended balance remaining in the crime victims' compensation
6 fund at the end of each biennium shall not be subject to the
7 provision of section 33.080, RSMo, requiring the transfer of such
8 unexpended balance to the ordinary revenue fund of the state, but
9 shall remain in the crime victims' compensation fund. In the
10 event that there are insufficient funds in the crime victims'
11 compensation fund to pay all claims in full, all claims shall be
12 paid on a pro rata basis. If there are no funds in the crime
13 victims' compensation fund, then no claim shall be paid until
14 funds have again accumulated in the crime victims' compensation
15 fund. When sufficient funds become available from the fund,
16 awards which have not been paid shall be paid in chronological
17 order with the oldest paid first. In the event an award was to
18 be paid in installments and some remaining installments have not
19 been paid due to a lack of funds, then when funds do become
20 available that award shall be paid in full. All such awards on
21 which installments remain due shall be paid in full in
22 chronological order before any other postdated award shall be
23 paid. Any award pursuant to this subsection is specifically not
24 a claim against the state, if it cannot be paid due to a lack of
25 funds in the crime victims' compensation fund.

1 [15.] 14. When judgment is entered against a defendant as
2 provided in this section and such sum, or any part thereof,
3 remains unpaid, there shall be withheld from any disbursement,
4 payment, benefit, compensation, salary, or other transfer of
5 money from the state of Missouri to such defendant an amount
6 equal to the unpaid amount of such judgment. Such amount shall
7 be paid forthwith to the crime victims' compensation fund and
8 satisfaction of such judgment shall be entered on the court
9 record. Under no circumstances shall the general revenue fund be
10 used to reimburse court costs or pay for such judgment. The
11 director of the department of corrections shall have the
12 authority to pay into the crime victims' compensation fund from
13 an offender's compensation or account the amount owed by the
14 offender to the crime victims' compensation fund, provided that
15 the offender has failed to pay the amount owed to the fund prior
16 to entering a correctional facility of the department of
17 corrections.

18 [16.] 15. All interest earned as a result of investing
19 funds in the crime victims' compensation fund shall be paid into
20 the crime victims' compensation fund and not into the general
21 revenue of this state.

22 [17.] 16. Any person who knowingly makes a fraudulent claim
23 or false statement in connection with any claim hereunder is
24 guilty of a class A misdemeanor.

25 [18.] 17. Any gifts, contributions, grants or federal funds

1 specifically given to the division for the benefit of victims of
2 crime shall be credited to the crime victims' compensation fund.
3 Payment or expenditure of moneys in such funds shall comply with
4 any applicable federal crime victims' compensation laws, rules,
5 regulations or other applicable federal guidelines.

6 595.050. 1. From funds appropriated for services to
7 victims of crime, the director may contract with public or
8 private agencies to provide assistance to victims of crime
9 through direct services, emergency services, crisis intervention
10 counseling and victim advocacy. Any such contract may consist
11 solely of, or may include, educational and informational services
12 to the public about the availability of services for victims of
13 crime which are designed to alleviate the results of criminal
14 acts. Under no circumstances shall the expenditures from general
15 revenue for the purpose provided in this section exceed the
16 amount of ninety thousand dollars each fiscal year.

17 2. The director shall ensure that funds administered under
18 section 595.055, section 595.105 and this section will not be
19 used by any agency to supplant existing funds which are presently
20 being used to provide assistance to victims of crime. This
21 restriction shall not apply to funds used by any not-for-profit
22 agency.

23 3. Each contract shall be subject to review by the director
24 at least annually.

25 610.100. 1. As used in sections 610.100 to 610.150, the

1 following words and phrases shall mean:

2 (1) "Arrest", an actual restraint of the person of the
3 defendant, or by his or her submission to the custody of the
4 officer, under authority of a warrant or otherwise for a criminal
5 violation which results in the issuance of a summons or the
6 person being booked;

7 (2) "Arrest report", a record of a law enforcement agency
8 of an arrest and of any detention or confinement incident thereto
9 together with the charge therefor;

10 (3) "Inactive", an investigation in which no further action
11 will be taken by a law enforcement agency or officer for any of
12 the following reasons:

13 (a) A decision by the law enforcement agency not to pursue
14 the case;

15 (b) Expiration of the time to file criminal charges
16 pursuant to the applicable statute of limitations, or ten years
17 after the commission of the offense; whichever date earliest
18 occurs;

19 (c) Finality of the convictions of all persons convicted on
20 the basis of the information contained in the investigative
21 report, by exhaustion of or expiration of all rights of appeal of
22 such persons;

23 (4) "Incident report", a record of a law enforcement agency
24 consisting of the date, time, specific location, name of the
25 victim and immediate facts and circumstances surrounding the

1 initial report of a crime or incident, including any logs of
2 reported crimes, accidents and complaints maintained by that
3 agency;

4 (5) "Investigative report", a record, other than an arrest
5 or incident report, prepared by personnel of a law enforcement
6 agency, inquiring into a crime or suspected crime, either in
7 response to an incident report or in response to evidence
8 developed by law enforcement officers in the course of their
9 duties.

10 2. Each law enforcement agency of this state, of any
11 county, and of any municipality, shall maintain records of all
12 incidents reported to the agency, investigations and arrests made
13 by such law enforcement agency. All incident reports and arrest
14 reports shall be open records. Notwithstanding any other
15 provision of law other than the provisions of subsections 4, 5
16 and 6 of this section or section 320.083, RSMo, investigative
17 reports of all law enforcement agencies are closed records until
18 the investigation becomes inactive. If any person is arrested
19 and not charged with an offense against the law within thirty
20 days of the person's arrest, the arrest report shall thereafter
21 be a closed record except that the disposition portion of the
22 record may be accessed and except as provided in section
23 610.120.

24 3. Except as provided in subsections 4, 5, 6 and 7 of this
25 section, if any portion of a record or document of a law

1 enforcement officer or agency, other than an arrest report, which
2 would otherwise be open, contains information that is reasonably
3 likely to pose a clear and present danger to the safety of any
4 victim, witness, undercover officer, or other person; or
5 jeopardize a criminal investigation, including records which
6 would disclose the identity of a source wishing to remain
7 confidential or a suspect not in custody; or which would disclose
8 techniques, procedures or guidelines for law enforcement
9 investigations or prosecutions, that portion of the record shall
10 be closed and shall be redacted from any record made available
11 pursuant to this chapter.

12 4. Any person, including a family member of such person
13 within the first degree of consanguinity if such person is
14 deceased or incompetent, attorney for a person, or insurer of a
15 person involved in any incident or whose property is involved in
16 an incident, may obtain any records closed pursuant to this
17 section or section 610.150 for purposes of investigation of any
18 civil claim or defense, as provided by this subsection. Any
19 individual, his or her family member within the first degree of
20 consanguinity if such individual is deceased or incompetent, his
21 or her attorney or insurer, involved in an incident or whose
22 property is involved in an incident, upon written request, may
23 obtain a complete unaltered and unedited incident report
24 concerning the incident, and may obtain access to other records
25 closed by a law enforcement agency pursuant to this section.

1 Within thirty days of such request, the agency shall provide the
2 requested material or file a motion pursuant to this subsection
3 with the circuit court having jurisdiction over the law
4 enforcement agency stating that the safety of the victim, witness
5 or other individual cannot be reasonably ensured, or that a
6 criminal investigation is likely to be jeopardized. If, based on
7 such motion, the court finds for the law enforcement agency, the
8 court shall either order the record closed or order such portion
9 of the record that should be closed to be redacted from any
10 record made available pursuant to this subsection.

11 5. Any person may bring an action pursuant to this section
12 in the circuit court having jurisdiction to authorize disclosure
13 of the information contained in an investigative report of any
14 law enforcement agency, which would otherwise be closed pursuant
15 to this section. The court may order that all or part of the
16 information contained in an investigative report be released to
17 the person bringing the action. In making the determination as
18 to whether information contained in an investigative report shall
19 be disclosed, the court shall consider whether the benefit to the
20 person bringing the action or to the public outweighs any harm to
21 the public, to the law enforcement agency or any of its officers,
22 or to any person identified in the investigative report in regard
23 to the need for law enforcement agencies to effectively
24 investigate and prosecute criminal activity. The investigative
25 report in question may be examined by the court in camera. The

1 court may find that the party seeking disclosure of the
2 investigative report shall bear the reasonable and necessary
3 costs and attorneys' fees of both parties, unless the court finds
4 that the decision of the law enforcement agency not to open the
5 investigative report was substantially unjustified under all
6 relevant circumstances, and in that event, the court may assess
7 such reasonable and necessary costs and attorneys' fees to the
8 law enforcement agency.

9 6. Any person may apply pursuant to this subsection to the
10 circuit court having jurisdiction for an order requiring a law
11 enforcement agency to open incident reports and arrest reports
12 being unlawfully closed pursuant to this section. If the court
13 finds by a preponderance of the evidence that the law enforcement
14 officer or agency has purposely violated this section, the
15 officer or agency shall be subject to a civil penalty in an
16 amount not to exceed five hundred dollars, and the court shall
17 order payment by such officer or agency of all costs and
18 attorneys' fees, as provided by section 610.027.

19 7. The victim of an offense as provided in chapter 566,
20 RSMo, may request that his or her identity be kept confidential
21 until a charge relating to such incident is filed.

22 630.130. 1. Every patient, whether voluntary or
23 involuntary, in a public or private mental health facility shall
24 have the right to refuse electroconvulsive therapy.

25 2. Before electroconvulsive therapy may be administered

1 voluntarily to a patient, the patient shall be informed, both
2 orally and in writing, of the risks of the therapy and shall give
3 his express written voluntary consent to receiving the therapy.

4 3. Involuntary electroconvulsive therapy may be
5 administered under a court order after a full evidentiary hearing
6 where the patient refusing such treatment is represented by
7 counsel who shall advocate his or her position. The therapy may
8 be administered on an involuntary basis only if it is shown, by
9 clear and convincing evidence, that the therapy is necessary
10 under the following criteria:

11 (1) There is a strong likelihood that the therapy will
12 significantly improve or cure the patient's mental disorder for a
13 substantial period of time without causing him any serious
14 functional harm; and

15 (2) There is no less drastic alternative form of therapy
16 which could lead to substantial improvement in the patient's
17 condition. At the conclusion of such hearing, if the petitioner
18 has sustained his burden of proof, the court may order up to a
19 specified number of involuntary electroconvulsive therapy
20 treatments to be performed over a specified period of time.

21 4. Parents of minor patients or legal guardians of
22 incompetent patients shall be required to obtain court orders
23 authorizing electroconvulsive therapy under the procedures
24 specified in subsection 3 of this section.

25 5. Persons who are diagnosed solely as mentally retarded

1 shall not be subject to electroconvulsive therapy.

2 6. If the judge finds that the respondent is unable to pay
3 attorney's fees for the services rendered in the proceedings the
4 judge shall allow a reasonable attorney's fee for the services,
5 which fee shall be assessed as costs and paid together with all
6 the costs in the proceeding by the state, in accordance with
7 rules and regulations promulgated by the state court
8 administrator, from funds appropriated to the office of
9 administration for such purposes provided that no attorney's fees
10 shall be allowed for services rendered by any attorney who is a
11 salaried employee of a public agency or a private agency which
12 receives public funds.

13 632.498. Each person committed pursuant to sections 632.480
14 to 632.513 shall have a current examination of the person's
15 mental condition made once every year by the director of the
16 department of mental health or designee. The yearly report shall
17 be provided to the court that committed the person pursuant to
18 sections 632.480 to 632.513. The court shall conduct an annual
19 review of the status of the committed person. Nothing contained
20 in sections 632.480 to 632.513 shall prohibit the person from
21 otherwise petitioning the court for discharge. The director of
22 the department of mental health shall provide the committed
23 person with an annual written notice of the person's right to
24 petition the court for release over the director's objection.
25 The notice shall contain a waiver of rights. The director shall

1 forward the notice and waiver form to the court with the annual
2 report. The committed person shall have a right to have an
3 attorney represent the person at the hearing but the person is
4 not entitled to be present at the hearing. If the court at the
5 hearing determines [that probable cause exists to believe] by a
6 preponderance of the evidence that the [person's mental
7 abnormality has so changed that the person is safe to be at large
8 and will not] person no longer suffers from a mental abnormality
9 that makes the person likely to engage in acts of sexual violence
10 if discharged, then the court shall set a hearing on the issue.
11 At the hearing, the committed person shall be entitled to be
12 present and entitled to the benefit of all constitutional
13 protections that were afforded the person at the initial
14 commitment proceeding. The attorney general shall represent the
15 state and shall have a right to a jury trial and to have the
16 committed person evaluated by a psychiatrist or psychologist not
17 employed by the department of mental health or the department of
18 corrections. In addition, the person may be examined by a
19 consenting psychiatrist or psychologist of the person's choice at
20 the person's own expense. The burden of proof at the [hearing]
21 trial shall be upon the state to prove beyond a reasonable doubt
22 that the committed person's mental abnormality remains such that
23 the person is not safe to be at large and if released is likely
24 to engage in acts of sexual violence.

25 Section 1. 1. A real estate licensee shall be immune from

1 liability for statements made by engineers, land surveyors,
2 geologists, environmental hazard experts, wood destroying
3 inspection and control experts, termite inspectors, mortgage
4 brokers, home inspectors, or other home inspection experts
5 unless:

6 (1) The statement was made by a person employed by the
7 licensee or the broker with whom the licensee is associated;

8 (2) The person making the statement was selected by and
9 engaged by the licensee; or

10 (3) The licensee knew prior to closing that the statement
11 was false or the licensee acted in reckless disregard as to
12 whether the statement was true or false.

13 2. A real estate licensee shall not be the subject of any
14 action and no action shall be instituted against a real estate
15 licensee for any information contained in a seller's disclosure
16 for residential, commercial, industrial, farm, or vacant real
17 estate furnished to a buyer, unless the real estate licensee is a
18 signatory to such or the licensee knew prior to closing that the
19 statement was false or the licensee acted in reckless disregard
20 as to whether the statement was true or false.

21 3. A real estate licensee acting as a courier of documents
22 referenced in this section shall not be considered to be making
23 the statements contained in such documents.

24 [452.420. All proceedings authorized in
25 chapter 452 to be maintained in circuit court
26 shall be heard by circuit judges, except that
27 said proceedings may be heard by an associate

1 circuit judge if he is assigned to hear such
2 case or class of cases or if he is
3 transferred to hear such case or class of
4 cases pursuant to other provisions of law or
5 section 6 of article V of the constitution.]

6 [478.725. When any person is, by the
7 statutes of this state, entitled to a lien
8 for performing any work or labor upon or
9 furnishing any materials, fixtures, engine,
10 boiler or machinery for any building,
11 erection or improvement upon land, or for
12 repairing the same, in Mason or Miller
13 townships, in Marion County, under or by
14 virtue of any contract with the owner or
15 proprietor thereof, or his agent, trustee,
16 contractor or subcontractor, and such person
17 so entitled to such lien, wishing to avail
18 himself of the benefit of said laws, shall
19 file his lien in the office of the clerk of
20 district number 2 of the Marion County
21 circuit court, and not elsewhere.]

22 [491.300. 1. Interpreters and
23 translators in civil and criminal cases shall
24 be allowed a reasonable fee approved by the
25 court.

26 2. Such fee shall be payable by the
27 state in criminal cases from funds
28 appropriated to the office of the state
29 courts administrator if the person requiring
30 an interpreter or translator during the court
31 proceeding is a party to or witness in the
32 proceeding.]

33 [494.431. Any police officer subject to
34 section 84.160, RSMo, shall be excused from
35 service as a juror, either grand or petit.]

36 [526.020. Unless an associate circuit
37 judge is specially assigned or transferred to
38 hear the cause, before an injunction shall be
39 granted by an associate circuit judge, the
40 applicant shall produce satisfactory evidence
41 that there is not then any circuit judge
42 within such county.]

43 Section B. The provisions of section A of this act are
44 severable. If any portion of section A of this act is declared

1 unconstitutional or the application of any part of this act to
2 any person or circumstance is held invalid, the remaining
3 portions of the act and their applicability to any person or
4 circumstance shall remain valid and enforceable.